1021. A letter from the Chairman, Reconstruction Finance Corporation, transmitting a report of its activities and expenditures for the month of July 1945; to the Committee on Banking and Currency.

1022. A letter from the Archivist of the United States, transmitting a report on records proposed for disposal by various Government agencies; to the Committee on the Disposition of Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar as follows:

Mr. VINSON: Committee on Naval Affairs. House Joint Resolution 307. Joint resolution to authorize the use of naval vessels to determine the effect of atomic weapons upon such vessels; with amendment (Rept. No. 1514). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN of South Carolina: Committee on the District of Columbia. H. R. 5060. A bill to amend section 1 of the act entitled "An act to fix the salaries of officers and members of the Metropolitan Police force, the United States Park Police force, and the Fire Department of the District of Columbia," approved May 27, 1924; without amendment (Rept. No. 1515). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOREN: Committee on Interstate and Foreign Commerce. H. R. 2764. A bill to amend section 409 of the Interstate Commerce Act, with respect to the utilization by freight forwarders of the services of common carriers by motor vehicle; with amendment (Rept. No. 1516). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BALDWIN of New York:

H. R. 5327. A bill to provide for the display in the lobbies of post offices of placards containing certain information with respect to the legislative representatives of the people; to the Committee on the Post Office and Post Roads.

By Mr. VOORHIS of California:

H. R. 5328. A bill to provide additional facilities for the mediation and peaceful settlement of labor disputes, and for other purposes; to the Committee on Labor.

By Mr. MANASCO:

H. R. 5329. A bill to amend the Surplus Property Act of 1944 with reference to veterans' preference, and to the disposal agency for surplus property outside the United States; to the Committee on Expenditures in the Executive Departments.

By Mr. PRICE of Illinois:

H. R. 5330. A bill to make imported beer and other similar imported fermented liquors subject to the internal-revenue tax on fermented liquor; to the Committee on Ways and means.

By Mr. KOPPLEMANN:

H. R. 5331. A bill to provide for the performance of military duties by the Marine Corps in connection with the occupation of conquered territories; to the Committee on Naval Affairs.

By Mrs. LUCE:

H. R. 5332. A bill to create a Department of Science and Research; to the Committee on Expenditures in the Executive Departments.

By Mr. LYLE:

H. R. 5333. A bill to create a board of research and investigation of matters relating to the armed forces; to the Committee on Military Affairs.

By Mr. HOFFMAN:

H. R. 5334. A bill to repeal the National Labor Relations Act and to diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce, to create a National Labor Relations Board, and for other purposes; to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUGUST H. ANDRESEN:

H. R. 5335. A bill for the relief of the Cannon Valley Milling Co.; to the Committee on Claims.

By Mr. BALDWIN:

H. R. 5336. A bill for the relief of Max M. Breslow; to the Committee on Claims.

By Mr. BUFFETT:

H. R. 5337. A bill for the relief of Kazue Oda Takahashi; to the Committee on Immigration and Naturalization.

By Mr. D'EWART:

H. R. 5338. A bill to authorize the Secretary of the Interior to sell certain lands in the State of Montana to Edwin T. Jensen; to the Committee on Indian Affairs.

H. R. 5339. A bill to authorize the Secretary of the Interior to sell certain lands in the State of Montana to Lester W. Zimmerman; to the Committee on Indian Affairs.

H. R. 5340. A bill to authorize the Secretary of the Interior to sell certain lands in the State of Montana to Robert B. Zimmerman; to the Committee on Indian Affairs.

H. R. 5341. A bill to authorize the Secretary of the Interior to sell certain lands in the State of Montana to Virgil L. Buchanan; to the Committee on Indian Affairs.

H. R. 5342. A bill to authorize the Secretary of the Interior to sell certain lands in the State of Montana to Everett Shanks; to the Committee on Indian Affairs.

H. R. 5343. A bill to authorize the Secretary of the Interior to sell certain lands in the State of Montana to Joe E. Damson; to the Committee on Indian Affairs.

H. R. 5344. A bill to authorize the Secretary of the Interior to sell certain lands in the State of Montana to Ernest I. Stensland; to the Committee on Indian Affairs.

H. R. 5345. A bill to authorize the Secretary of the Interior to sell certain lands in the State of Montana to Arnold E. Payne; to the Committee on Indian Affairs.

By Mr. FENTON:

H. R. 5346. A bill authorizing the naturalization of Arnold Szeleczky, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. HART:

H. R. 5347. A bill conferring jurisdiction upon the Court of Claims to hear and determine the claim of Auf der Heide-Aragona, Inc., and certain of its subcontractors against the United States; to the Committee on Claims.

By Mr. KEE:

H. R. 5348. A bill for the relief of F. M. Peters and J. T. Akers; to the Committee on Claims.

H. R. 5349. A bill for the relief of Charles F. Barrett; to the Committee on Claims.

By Mr. KILDAY:

H. R. 5350. A bill for the relief of Mrs. Elfreida Sakowsky Passant, alias Elfreida Sakowsky, alias Elfreida Pogue; to the Committee on Immigration and Naturalization.

By Mr. MANSFIELD of Texas:

H. R. 5351. A bill for the relief of Charles Booker; to the Committee on Claims.

By Mr. PFEIFER:

H. R. 5352. A bill for the relief of Joseph Ippolito; to the Committee on Claims.

By Mr. ROBINSON of Utah:

H. R. 5353. A bill to authorize the Secretary of War to convey certain lands situated within the Fort Douglas Military Reservation to the Shriners' Hospitals for Crippled Children; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1513. By Mr. GRAHAM: Petition of the Fulton C. Smith Post, No. 165, Veterans of Foreign Wars, of Ambridge, Beaver County, Pa., urging unemployment benefits to veterans under present strike conditions; to the Committee on World War Veterans' Legislation.

1514. Also, petition of 380 veterans of World War II, residents of Ambridge, Beaver County, Pa., urging amendment of the GI bill of rights to allow unemployment benefits to veterans under present strike conditions; to the Committee on World War Veterans' Legislation.

1515. By Mr. GRIFFITHS: Petition of Rhea Starr and members of Farm Bureau of district No. 4, Guernsey County, Ohio, opposing any change in present laws relating to the taxing of cooperatives; to the Committee on Ways and Means.

1516. By Mr. THOMAS of New Jersey: Petition of the Warren County, N. J., Board of Agriculture, registering their opposition to the construction of the proposed ship canal across the State of New Jersey; to the Committee on Interstate and Foreign Commerce.

1517. Also, petition of the board of directors of the United States Junior Chamber of Commerce, in session November 4, 1945, recommending that hospitalized veterans may, while convalescing, accept payment for their work in various trades, arts, and crafts; to the Committee on World War Veterans' Legislation.

1518. By Mr. THOMASON: Petition of J. C. and Clayton Williams, opposing the making of a loan to Great Britain; to the Committee on Foreign Affairs.

SENATE

MONDAY, FEBRUARY 4, 1946

(Legislative day of Friday, January 18, 1946)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, author of liberty, who hath made and preserved us a nation, may there be forever cherished in this shrine of freedom, and therefore be found in us who are here called to serve the Republic, those spiritual values which alone can bring order out of chaos and peace out of strife. May the shield of our own unyielding integrity be always lifted against the arrows of all that shuns the light and against all betrayal of justice and righteousness in a time when the world's hopes depend on character. In Thy providence for all the world may this "sweet land of liberty," with all its privilege and power, be the quarry where shall be fashioned the white stones of a new order whose "alabaster cities shall gleam undimmed by human tears." We ask it in the dear Redeemer's name. Amen.

ATTENDANCE OF SENATORS

HUGH B. MITCHELL, a Senator from the State of Washington; E. H. MOORE, a Senator from the State of Oklahoma; and JAMES M. TUNNELL, a Senator from the State of Delaware, appeared in their seats today.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hatch	Overton
Austin	Hayden	Pepper
Bailey	Hickenlooper	Radcliffe
Ball	Hill	Reed
Bankhead	Hoey	Revercomb
Barkley	Huffman	Robertson
Bilbo	Johnson, Colo.	Russell
Briggs	Johnston, S. C.	Saltonstall
Bushfield	Kilgore	Shipstead
Butler	Knowland	Smith
Byrd	La Follette	Stanfill
Capehart	Langer	Stewart
Capper	Lucas	Taft
Chavez	McCarran	Taylor
Cordon	McClellan	Thomas, Okla.
Donnell	McFarland	Thomas, Utah
Downey	McKellar	Tobey
Eastland	McMahon	Tunnell
Ellender	Maybank	Tydings
Ferguson	Mead	Walsh
Fulbright	Millikin	Wheeler
George	Mitchell	Wherry
Gerry	Moore	White
Gossett	Morse	Wiley
Green	Murdock	Willis
Guffey	Murray	Wilson
Gurney	Myers	Young
Hart	O'Daniel	

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from New York [Mr. WAGNER] are absent because of illness.

The Senator from Florida [Mr. ANDREWS] and the Senator from Nevada [Mr. CARVILLE] are necessarily absent.

The Senator from Washington [Mr. MAGNUSON] is detained on public business.

The Senator from Texas [Mr. CONNALLY] is absent on official business as a representative of the United States attending the first session of the General Assembly of the United Nations, now being held in London.

Mr. WHERRY. The Senator from Michigan [Mr. VANDENBERG] is absent on official business as a representative of the United States attending the first session of the General Assembly of the United Nations, now being held in London.

The Senator from New Hampshire [Mr. BRIDGES], the Senator from Illinois [Mr. BROOKS], the Senator from Delaware [Mr. BUCK], and the Senator from New Jersey [Mr. HAWKES] are necessarily absent.

The PRESIDENT pro tempore. Eighty-three Senators having answered to their names, a quorum is present.

TRANSACTION OF ROUTINE BUSINESS

Mr. STEWART obtained the floor.

The PRESIDENT pro tempore. Before anything else is done, may the Chair ask that certain ordinary reports and routine matters be handed down and made of record? The Chair may also state there is other routine business which, if there is no objection, might be transacted at this time.

By unanimous consent, the following routine business was transacted:

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON INSPECTION OF COAL MINES

A letter from the Secretary of the Interior, transmitting, pursuant to law, his report on the inspection of coal mines by the Bureau of Mines for the fiscal year 1945 (with an accompanying report); to the Committee on Mines and Mining.

JULY 1945 REPORT OF RECONSTRUCTION FINANCE CORPORATION

A letter from the Chairman of the Reconstruction Finance Corporation, transmitting, pursuant to law, a report of the Corporation on its activities and expenditures for the month of July 1945, including statement of loans and other authorizations, showing the name, amount, and rate of interest or dividend in each case (with accompanying papers); to the Committee on Banking and Currency.

REPORT OF FEDERAL WORKS AGENCY

A letter from the Administrator of the Federal Works Agency, transmitting, pursuant to law, the sixth annual report of that agency for the fiscal year ended June 30, 1945 (with an accompanying report); to the Committee on Education and Labor.

REPORT OF UNITED STATES PUBLIC HEALTH SERVICE

A letter from the Administrator of the Federal Security Agency, transmitting, pursuant to law, the annual report of the United States Public Health Service for the fiscal year 1945 (with an accompanying report); to the Committee on Finance.

REPORT ON CERTAIN ACTION BY WAR SHIPPING ADMINISTRATION

A letter from the Acting Administrator of the War Shipping Administration, transmitting, pursuant to law, the twelfth report of certain action taken by the War Shipping Administration under section 217 of the Merchant Marine Act of 1936, as amended (with an accompanying report); to the Committee on Commerce.

BOARD OF VISITORS TO UNITED STATES MERCHANT MARINE ACADEMY

A letter from the Acting Administrator of the War Shipping Administration, reporting, pursuant to law, that Friday, May 10, and Saturday, May 11, 1946, had been fixed as the dates for the visit of the Board of Visitors to the United States Merchant Marine Academy at Kings Point, N. Y.; to the Committee on Commerce.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of South Carolina; ordered to lie on the table.

"Concurrent resolution memorializing the Congress of the United States to discontinue the practice of the Fair Employment Practice Commission

"Be it resolved by the House of Representatives of the State of South Carolina (the senate concurring), That it is the sense of the general assembly of this State that the objects of the Fair Employment Practice Commission are un-American and contrary to the spirit of free enterprise in that they tend to destroy individual initiative, adaptability, efficiency, and freedom in the selection of employees and substitute therefor the individual whims of a certain group, race, color, and creed; hence, we regard the practice as contrary to the spirit of our Federal Constitution, and respectfully petition the Senators of all sovereign States to kill the bill now pending in the Federal Congress which would continue the practices of the Commission.

"We laud the high and constant purpose which moves the Honorable BURNET R. MAYBANK and the Honorable OLIN D. JOHNSTON, the distinguished Senators from this State, the Members of Congress from this State, and all others alined with them in their unabated opposition to the practice sought to be imposed on the American people by the continuance of such a Commission; be it further

"Resolved, That copies of this resolution be furnished the clerk of the Senate of the United States, the clerk of the House of Representatives, and the two distinguished Senators from South Carolina.

"COLUMBIA, S. C., *January 31, 1946.*"

A resolution adopted by the Territorial Central Committee of the Democratic Party of Hawaii, Honolulu, T. H., favoring the reappointment of Louis Le Baron as Associate Justice of the Supreme Court, Territory of Hawaii; to the Committee on the Judiciary.

A resolution adopted by the Territorial Central Committee of the Democratic Party of Hawaii, Honolulu, T. H., favoring the reappointment of Ingram M. Stainback as Governor of the Territory of Hawaii; to the Committee on the Judiciary.

By Mr. CAPPER:

A telegram in the nature of a memorial from Local Union 533, United Mine Workers of America, remonstrating against the enactment of the so-called fact-finding antistrike bill; to the Committee on Education and Labor.

By Mr. JOHNSTON of South Carolina:

A concurrent resolution of the Legislature of South Carolina, favoring the enactment of the joint resolution (H. J. Res. 225) to quiet the titles of the respective States, and others, to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States and to prevent further clouding of such titles; to the Committee on Territories and Insular Affairs.

(See concurrent resolution printed in full when presented by Mr. MAYBANK on February 1, 1946, p. 693, CONGRESSIONAL RECORD.)

By Mr. MAYBANK:

A concurrent resolution of the Legislature of South Carolina; to the Committee on Finance.

"Concurrent resolution requesting the Congress of the United States to pass necessary amendments to the GI bill of rights whereby veterans in accredited schools shall receive monthly benefits for each calendar month until their graduation or severance from said school

"Whereas under the present GI bill of rights veterans who are students in accredited schools only receive benefits for themselves and their dependents during the actual school term; and

"Whereas these veterans have no opportunity to earn a decent livelihood during their vacation period; and

"Whereas the housing situation is so acute that married veterans are unable to change their residence after entering the school: Now, therefore, be it

"Resolved by the House of Representatives of the State of South Carolina (the Senate concurring), That it is the sense of the General Assembly of South Carolina that Congress be, and the same is hereby, memorialized to effect immediate amendments to the GI bill of rights so that all veterans who matriculate in institutions accredited by the Veterans' Administration shall receive monthly benefits for themselves and, in those

cases where they have dependents, for such dependents, for each and every calendar month until their graduation from such accredited institution or school, or until they sever their connection with such institution or school by ceasing to be students of the same; be it further

"Resolved, That a copy of this resolution be sent to each of the Representatives in Congress from South Carolina, the President of the Senate of the United States, the chairman of the Judiciary Committee and the Military Affairs Committee of the United States Senate, to the Speaker of the House of Representatives, and a copy to the Judiciary Committee and Military Affairs Committee of the House of Representatives, and a copy to the Veterans' Administration.

"COLUMBIA, S. C., *January 30, 1946.*"

RESOLUTIONS OF AMERICAN FARM BUREAU FEDERATION

Mr. CAPPER. Mr. President, I received copy of resolutions adopted by the American Farm Bureau Federation at their recent annual meeting in Chicago, in which they take an emphatic stand against compulsory military training in peacetime, and make known their position on other national measures, as follows:

Supported the United Nations Organization, Bretton Woods monetary agreements, International Food and Agriculture Organization.

Recommended study of the maintenance of an international organization "for the effective enforcement of peace," with powers "adequate to cope with the threat of destruction by the use of atomic bombs," without surrendering sovereignty of respective nations.

Recommended study of the advisability of an international police force supported by all nations as a means of insuring peace.

Favored long-term capital loans to other nations to increase productive and consumptive capacities of countries involved, to the largest practical extent by private capital with the Government supplementing only when private capital is not available. (However, this resolution said there are conditions, "such as the present loan to England, under which the long-time interest of this Nation is promoting world trade, maintaining desirable forms of government, and promoting our best international interest can be furthered by making direct governmental loans.")

The delegates also:

Asserted this Nation should furnish food and other necessities to devastated countries, with the cost considered as a war expenditure.

Recommended that the State Department and diplomatic staff be strengthened, with adequately trained personnel and policies designed to attract "outstanding ability into this important field."

Recommended that "this Nation place great emphasis upon the development of a clear-cut foreign policy on a nonpartisan basis."

Favored gradual reduction of international trade barriers.

Supported international commodity agreements and recommended expansion of this program.

Stated that "we believe the development of an aggressive foreign trade policy is one of the 'musts' of our postwar program."

On the national farm program itself, the delegates urged study of required improvements and modifications, including possible changes in commodity marketing; "unalterably opposed" unlimited production at ruinous prices which would "force the American farmer to depend permanently upon Government subsidies;" urged strengthening of the Agricultural Adjustment Act and related measures, and favored legislation to extend benefits of the Agricultural Marketing Agreements Act of 1937 to any agricultural commodity.

AMENDMENT OF FIRST WAR POWERS ACT—REPORT OF JUDICIARY COMMITTEE

Mr. McCARRAN. Mr. President, from the Committee on the Judiciary, I ask unanimous consent to report favorably with an amendment the bill (H. R. 4571) to amend the First War Powers Act, 1941, and I submit a report (No. 920) thereon. In that connection I wish to call the attention of the Senate to a letter from the Department of State, from which I read:

The Department welcomes this opportunity to reemphasize its strong endorsement of this bill. On June 29, 1945, the Acting Secretary of State joined with the Alien Property Custodian and the Attorney General in a letter to Chairman SUMNERS of the House Judiciary Committee submitting a draft of H. R. 3750, which dealt with the same subject matter as the present bill, H. R. 4571, and requesting as a matter of urgency its early and favorable consideration. On September 12, 1945, Mr. Willard L. Thorp, Deputy to the Assistant Secretary of State, repeated this recommendation before Subcommittee No. 1 of the House Judiciary Committee. The Secretary of State in a letter of October 12, 1945, to Mr. SUMNERS again gave the concurrence of the Department to H. R. 3750 and the amendments proposed by the Alien Property Custodian, which are embodied in H. R. 4571. As you know, H. R. 4571 was reported and approved by the House Judiciary Committee with these amendments and passed the House of Representatives on December 8, 1945.

Other expressions endorsing the bill are filed in the report from the Attorney General.

The PRESIDENT pro tempore. Without objection, the report will be received, and the bill will be placed on the calendar.

PERSONS EMPLOYED BY COMMITTEES WHO ARE NOT FULL-TIME SENATE OR COMMITTEE EMPLOYEES

The PRESIDENT pro tempore laid before the Senate reports for the month of January 1946 from the chairmen of certain committees, in response to Senate Resolution 319 (78th Cong.), relative to persons employed by committees who are not full-time employees of the Senate or any committee thereof, which were ordered to lie on the table and to be printed in the RECORD, as follows:

EDUCATION AND LABOR COMMITTEE

FEBRUARY 1, 1946.

To the Senate:

The above-mentioned committee hereby submits the following report showing the name of a person employed by the committee who is not a full-time employee of the Senate or of the committee for the month of January 1946, in compliance with the terms of Senate Resolution 319, agreed to August 23, 1944:

Name of individual	Address	Name and address of department or organization by whom paid	Annual rate of compensation
John W. Nelson	2745 29th St. NW., Washington, D. C	Department of Labor, Washington, D. C	$5,600

JAMES E. MURRAY, *Chairman.*

SPECIAL COMMITTEE TO STUDY AND SURVEY PROBLEMS OF SMALL BUSINESS ENTERPRISES

FEBRUARY 1, 1946.

To the Senate:

The above-mentioned committee hereby submits the following report showing the names of persons employed by the committee who are not full-time employees of the Senate or of the committee for the month of January 1946, in compliance with the terms of Senate Resolution 319, agreed to August 23, 1944:

Name of individual	Address	Name and address of department or organization by whom paid	Annual rate of compensation
Edelsberg, Herman	2141 Suitland Ter. SE., Washington, D. C	Foreign Economic Administration, Washington, D. C	$7,175
Forbes, F. Preston	502 Four Mile Rd., Alexandria, Va	Commerce Department, Washington, D. C	7,175
Groeper, Stella J	1127 Branch Ave. SE., Washington, D. C	Reconstruction Finance Corporation, Washington, D. C	2,980
Soule, George H., Lt	4020 Beecher St. NW., Washington, D. C	Navy Department, Washington, D. C	2,400
Spicer, L. Evelyn	2515 Wisconsin Ave. NW., Washington, D. C	Reconstruction Finance Corporation, Washington, D. C	3,090
Steckman, Frederick W	4000 Cathedral Ave. NW., Washington, D. C	Maritime Commission, Washington, D. C	5,600
Strubel, Margie L	4632 12th St. NE., Washington, D. C	Reconstruction Finance Corporation, Washington, D. C	2,320
Thurman, Allen G	9729 Bexhill Dr., Rock Creek Hills, Md	Maritime Commission, Washington, D. C	7,175

JAMES E. MURRAY, *Chairman.*

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KILGORE:

S. 1785. A bill for the relief of Clark Wiley; to the Committee on Claims.

By Mr. BUSHFIELD:

S. 1786. A bill authorizing the issuance of a patent in fee to Silas Eagle Elk; to the Committee on Indian Affairs.

By Mr. ROBERTSON:

S. 1787. A bill to provide for canceling certain interest on and postponing the time of payment of loans made by the United States to persons serving in the armed forces during the war; to the Committee on Military Affairs.

By Mr. McCARRAN:

S. 1788. A bill to provide for the admission of Alaska, the forty-ninth State; to the Committee on Territories and Insular Affairs.

S. 1789. A bill granting to the State of Nevada certain public lands in such State for the use and benefit of public institutions of the State; to the Committee on Public Lands and Surveys.

LABOR FACT-FINDING BOARDS ACT—AMENDMENT

Mr. McMAHON. Mr. President, the Committee on Education and Labor has been conducting hearings on the Ellender fact-finding bill, Senate bill 1661, and the Hatch-Ball amendment, which was submitted as a substitute.

I am informed that most of the witnesses—representatives of labor, management, and the public—have testified that the kind of legislation which most nearly fits the long-run need for adequate labor-disputes-settlement machinery is that embodied in the bill which I, together with the Senator from Arizona [Mr. HAYDEN], the Senator from Utah [Mr. THOMAS], and the Senator from Delaware [Mr. TUNNELL] introduced.

The bill grew out of an extended investigation, conferences, and meetings with a great number of public labor experts, industrial managers, and labor.

I conducted the meetings in private and without any publicity in order to give the participants the opportunity of freely expressing their honest and best judgment.

It is no wonder, therefore, that so many witnesses have approved the approach offered to the problem by S. 1419.

In order, therefore, that the committee may finally consider my approach to the solution of labor disputes, on behalf of the Senator from Arizona [Mr. HAYDEN], the Senator from Utah [Mr. THOMAS], the Senator from Delaware [Mr. TUNNELL], I ask unanimous consent to submit an amendment in the nature of a substitute to the bill, S. 1661, to provide for the appointment of fact-finding boards to investigate labor disputes seriously affecting the national public interest, and for other purposes.

There being no objection, the amendment in the nature of a substitute, was received, referred to the Committee on Education and Labor, and ordered to be printed.

CONGRESSIONAL RETIREMENT SYSTEM

Mr. BANKHEAD. Mr. President, on June 19, 1939, I addressed the Senate on the subject of a congressional retirement system. My address appears in the CONGRESSIONAL RECORD of the Seventy-sixth Congress, first session, in volume 84, part 7, beginning on page 7428. In connection with the address there was published an Appendix on Costs of Congressional Retirement Systems, which contains the results of an exhaustive research by Mr. Murray W. Latimer, Chairman of the Railroad Retirement Board, and his staff of assistants. The Appendix on Costs was printed as Senate Document No. 85, Seventy-sixth Congress, first session, and also appears in the CONGRESSIONAL RECORD immediately following my address. The supply has been exhausted.

In view of the present renewed interest in that subject I ask unanimous consent to have printed in the body of the RECORD immediately following my remarks the address above described. I do that rather than use it as a time-killing program in opposition to the pending measure.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RETIREMENT SYSTEM

Mr. BANKHEAD. Mr. President, I desire to interrupt the discussion on gold devaluation for a short time for the purpose of submitting some remarks on a congressional retirement system.

For some time a group of Senators, together with some Members of the other House, have been thinking about the need for a retirement system for Members of Congress. Congress has made provision for the retirement, on income, of Federal employees in the civil service who become disabled or grow old while in the service. It has provided retirement benefits for the officers and men of the Army, the Navy, the Coast Guard. It has likewise taken care of the members of the Federal judiciary. Finally, it is now about to provide substantial benefits for many millions of the citizens of this country, just as legislation has been in effect making provisions for benefits, aggregating already more than $150,000,000 to retired railroad men. The aggregate cost to the Federal Government for taking care of its own employees in the executive and judicial branches runs into many tens of millions of dollars annually. It is altogether natural that in considering the problems of so many millions of the citizens of this country Members of the Congress should stop for a minute or two to inquire whether or not it may be wholly justifiable to think about some of their own problems.

There have been times in this country when the Members of Congress were thought of as being a peculiarly fortunate group who drew a sizable salary without rendering therefor any very large amount of labor. I think that idea has pretty much disappeared. The very great amount of work which we are called upon to perform is now generally recognized. Indeed, I think that most people wonder how Congressmen can find time to answer the flood of mail from their constituents, sit at numerous committee hearings considering a large volume of important legislation, and become familiar with the great volume of other legislation arising in other committees and of equal importance to that considered by their own, in order to be able to pass judgment on it.

It is my opinion also that there is now a widespread recognition of the fact that the Members of the House and of the Senate have to bear many financial burdens which are far greater than those of ordinary citizens. We have election expenses. Most of us have the expense of maintaining more than one place of residence. Many of our constituents feel free to call upon us for services which require expenditures of one sort or another on our own part. We do not need to remind ourselves that most of us come here in the prime of life. Because of the extraordinary demands on our time, we must cut loose from the associations and means of making an income which we possessed before coming here. If we leave Congress, even after a relatively brief service, those associations and connections are gone and we must build anew.

We hear a great deal of the plight of the man who is over 45. Most of those who talk about the difficulties of those who are 45 in getting a job are thinking about the men who work in factories or in shops or in industry or business generally. All of us know, from the experience of our friends who have served with us here and have left, that the employment handicap applies not only to industry and business, but also to the professions. We know, too, that if we cease to be Members of Congress, the fact that we have served here will not help us very much whether as lawyers, businessmen, or whatever we may be in private life.

Most of us cannot possibly hope during our service in Congress to do very much toward securing from our own salaries any funds which would give us even a minimum income when we become old. One of the great benefits which often flow from the retirement system is that of giving ease of mind and freedom from worry to those who benefit by it. Most of us, necessarily, have to give some thought every now and then to our own future, and I think the great majority of us have cause, from time to time, to worry about it. I would be the last to reflect in any way upon the time or work we are called upon to devote to public service, but I cannot help feeling that we might sometimes be better off if we knew that, despite any action which we might take here, there is some reasonable assurance that our own families would not suffer. I believe that if we were protected by an adequate retirement system, we would view many matters from a more detached point of view than is now possible for us to achieve; and all of us and the country would benefit thereby.

Before we can go very far in thinking about a retirement system, we have to get down to details, and there are many details. At what age should retirement benefits be available? Should they be available to everybody, or should only those who have served a period of years be eligible? Should the Members of Congress themselves pay for part of the cost? If Members of Congress pay for part of the cost, what should happen when the Members withdraw from Congress before reaching retirement age? Should their contributions be refunded, or should they retain rights to receive some pro rata annuity when they attain retirement age? What is a fair amount of annuity? Should we pay the same amount of retirement annuity to everybody? If not, should it vary according to age of retirement, or according to the number of years of service?

The answers to all these questions would depend, to a considerable degree, on what a retirement system having a given set of particular provisions would cost. We all know that if a system were started tomorrow, providing for retirement benefits rather less than our salaries, very few of us would retire until the end of our current terms; that is, the year 1941 for Members of the House and one-third of the Senate, and still later for the other two-thirds of the Senate. But we know, too, that over a period of years, more and more Members would be on the retired list, and the payments would increase for a period of years. What we want to look at when we think about cost, therefore, is not so much how much would be spent under the system a year from now or even 5 years from now, but rather what would be the average level, taking into account interest at a reasonable rate over a period of years.

In getting at what various kinds of systems would cost, we asked Murray Latimer, Chairman of the Railroad Retirement Board, to help us out. Mr. Latimer was good enough to agree to do this, and he has had several of his staff working with him for some months now collecting data which would be useful in making estimates of costs. Estimates of costs are made by looking at past experience, making whatever adjustments in that past experience are definitely known to be affected by factors which themselves have changed from the past; and making the general assumption that with these adjustments past history will repeat itself in the future. We know, to start with, that past history does not repeat itself exactly. But we ought to make the best possible use of experience, realizing that, from time to time, adjustments will have to be made, taking into account changed conditions which, in common with all other human beings, we cannot foresee with exact precision.

In securing the data on which to make cost estimates, a record has been made of every person who has been in Congress at and since the beginning of the Fifty-seventh Congress, which took office March 4, 1901. For each of the 2,871 Members of the House and Senate since that time, a record has been made of the date of birth, the length of service in both Houses, and the date of death if the Member is not now living. In this connection, the records kept by Mr. Ansel Wold, particularly the Biographical Directory of the Congress, covering the years 1774–1927, were invaluable.

One of the factors to be taken into account in calculating cost is the possibility that some Members of Congress who are not now in service may return later on, and probably under any reasonable plan they would be given credit for their service up to now. In calculating cost, a study was made of intermittent service on the part of some Congressman, and an attempt has been made to allow for the possibility that some former Member of Congress not now in the service may later return and become eligible for retirement incomes. It is appropriate to say at this point that in all the plans for which cost calculations have been made it has been assumed that the present Members of Congress would receive credit for their past service. For example, a Member now 65, with 25 years of service when the plan begins to operate, could retire immediately on whatever benefits the plan provided for a Member aged 65 with 25 years all served after the beginning date. But none of the plans contemplates providing any benefits for Members of Congress not in service when the system starts and who never return later.

A study of these records of the Members of the Congress shows up and down fluctuations with respect to some of the important factors which have a bearing on cost. One of the most important factors is that of the age at which Members of Congress are elected initially. If all of us were elected at 25 and served continuously until 65, the cost would be much less than if, on the average, we were elected first at the age of 50. The records show that the typical Member of the House who was serving his first term in 1901 was just over 45 years old. The figure fell to 43.6 in 1903, and, except in 1911, when the average for new Members was 48.1, kept within the range of from 44 to 46 until 1917; thereafter it rose to over 49 in 1929 and 1931, but has since fallen to just over 45. The results would be slightly different if it were assumed that the ages of new Members would be 45 rather than 50. As a matter of fact, in the actual calculations it was assumed that new Members would enter at various ages, averaging 46.7.

Similarly in the Senate, the average age upon entering membership ranged from as low as 44 7/10 (in 1907) to as high as 59 9/10 (in 1931). Again, in the actual calculations it has been assumed that new Senators would be elected at various ages, averaging 53 1/10 years. Insofar as experience in the future deviates from these assumptions, costs will vary from those that have been estimated, unless the variation in the age factor is offset by changes in other figures in a direction having an opposite effect on cost.

The mortality experience of Members of Congress has also been studied, because mortality both while in service and out of service is a most important factor in the calculation of costs. Mortality on so small a group as the membership of the House and Senate is likely to vary rather widely from time to time. From 1901 to and including the Members elected to the present Congress last November, 2,871 persons have been Members of Congress in both House and Senate. This number is too small, even though taken over a period of years, for the law of averages to apply, particularly when this number is divided down, as it must be, into the different ages.

Moreover, mortality in the population in general has changed very greatly since the turn of the century. This is probably just as true of the Members of Congress as it is of any other group of the population. In order to get any mortality figures which could justifiably be used so far as the future is concerned, it appeared that it would be undesirable to take mortality experience further back than 1920. So far as mortality among Members in active service is concerned, it appears that the 1937 standard annuity mortality table is a reasonably good basis. In the period from 1920 to 1938, at the age of from 40 to 49, 5 percent fewer Members of Congress died than would have been the case if the standard annuity table had been exactly followed. At ages 50 to 59, 2 percent fewer died. At ages 60 and over, however, from 6 to 10 percent more Congressmen died than would have been expected under the standard annuity table. This means, as a matter of fact, that Members of Congress who remain in service have a somewhat lower mortality than does the population generally. The standard annuity mortality table of 1937 is compiled from among a rather select group, whose mortality is somewhat lower than for all men in the population. Congressional experience is, of course, primarily a male experience. So few women have served in Congress that their experience has practically no weight in the total

Apparently, however, Members of Congress die somewhat more rapidly than do men in the total population of the country, once they have left Congress. This is probably due in part to the fact that Members wear themselves out in the service, do not return, or are unable to return; and it was to be expected that the mortality among such former Members would be rather high on the average. There may be other factors here also. Of course, the average rate of mortality among Congressmen is much higher than the average rate for all men in the population, because the average age of Congressmen is higher by a good many years than the average age for all men in the United States.

If the retirement benefit is to be paid only to the Members who complete a certain number of years of service in Congress, the chance of serving that number of years is a highly important factor in the determination of costs. In calculating the chances of a Member serving a given period of years, it was thought desirable to break the period from 1901 to date into several parts to see whether or not shifts from one administration to another had had any decided effect on changing the probable periods of service. The periods selected were from 1900 to 1910; from 1911 to 1918; from 1919 to 1930, and from 1931 to 1939. Although some slight differences were discovered, the chances of a Member serving a given number of years have been remarkably constant over a period of time. There are, of course, some differences. For example, the chances of a Member who comes to Congress at the age of 30 serving 20 years or 30 years are much greater than the chances of a Member who was first elected at the age of 50 serving that number of years. This is largely because the chances of a man aged 30 living 20 or 30 years are materially greater than the chances of a man of 50 living for a like period of time. But apart from the factor of mortality, the chances of reelection each 2 years or each 6 years appear to have been rather uniform over the years. For example, for a Congressman elected at age 45, there are 78 chances out of 100 that he will serve his term and be reelected to a second term. The chances are 60 out of 100 that he will serve his second term and be reelected for a third term. The chances are 36 out of 100 that he will complete 8 years of service and be reelected for a fifth term. But the chances are only 7 out of 100 that he will complete 20 years of service and be elected for an eleventh term.

The chances of remaining in the Congress are naturally somewhat higher for Members of the Senate. If elected first at the age of 48, a Senator has about 59 out of 100 chances of completing his first term and being reelected for a second. The chances of finishing his second tern and being elected for a third are only 33 out of 100. The chances of completing a third term and being reelected for a fourth are only 18 out of 100; and the probability that the Senator will complete 24 years and be reelected for a fifth term are only 9 out of 100. Thus, if a retirement benefit is to be paid only to Members who have completed 20 years of service, only about 10 percent would qualify; and if, in addition to completing 20 years of service, the Member must have attained the age of 65 while in service in order to qualify, a still smaller percentage of the Members would be eligible to receive any benefits.

In order that Member of Congress might be able to come to some conclusion as to whether they wish a retirement system, and, if so, what its provisions should be, cost figures have been worked out for a large number of plans. Basically, however, these plans fall into four main types.

There is, first of all, a group of plans which provides for benefits upon the completion of a period of years of service and attainment of a given age, figures having been worked out for 6, 8, and 10 years of service, with retirement ages of 50, 55, 60, and 65. The amounts of annuity for persons retired at a given age and after a specified length of service have been made uniform, irrespective of service above the minimum requirements. Thus, in the first group of plans the amounts of benefit are varied according to age at retirement, the amounts to those retiring at 65 or over being the largest, smaller amounts being paid to those retiring at ages from 60 to 64, still less from 55 to 59, and with a further reduction in the amounts of benefit payable upon retirement at ages 50 to 54. Three sets of amounts have been used for each age in order to indicate the effect on cost in paying more or less annuity. Further figures are given for each combination of these several factors with the Government paying all the cost, and with the Member paying 3½ or 5 percent of their salaries as a contribution, with the Government paying the balance.

If Members contribute, it has been assumed that in the event they withdraw from Congress before becoming eligible for retirement benefits they would receive as a lump-sum refund the total amount of their contributions, together with interest compounded at the rate of 4 percent per annum. In the event of death before retirement, the survivors would receive a like amount. In the event of death after retirement, the balance, if any, of the amount of the death benefit as of retirement age, less annuities received by the deceased, would also be paid to the survivors.

A second set of plans provides for annuities varied according to the number of years of service. For example, if a Member retires after 20 years of service at a specified age, he will receive twice the amount of annuity that will be paid to a person who retires at the same age, but with only 10 years of service. In the basic set of calculations under this type of plan, it is assumed that the Member who withdraws from Congress will not receive a cash refund, but will retain the right to receive the amount of benefit credits earned by him for his service, beginning at the usual age of retirement. These Members will have the right, however, to have the annuity begin at a date earlier than the usual retirement age at an amount lower than what would be paid at the usual retirement age, to allow for the longer period in which payments would be made. For example, if a Member retired from Congress at the age of 50 and had accumulated credits amounting to $200 per month payable beginning at age 65, he could ask for an annuity beginning at age 60 in the amount of about $127 per month, and that amount could be paid at the age of 60 without any effect on the cost. If the Member died before reaching retirement age, or before receiving in annuities an amount equal to his death benefits, he would be given a refund just as was described in connection with the first set of plans.

In the second set of plans, costs are again calculated on three bases: One with the Government paying for the whole cost; the second with the members contributing 3½ percent of their salaries and the Government paying the balance; and the third with the members paying 5 percent and the Government paying the balance.

A third set of plans dealt with the cost of a flat amount of one-half of the salary payable at only age 65 or 70, after varying periods of service, without any contributions by members.

A fourth group shows the cost of paying annuities to retired members after a given number of years of service, irrespective of age, the minimum service being 15 years, with high amounts payable to those who retire after 20 or more years of service.

The cost of these various plans on the different bases, and the assumptions underlying the calculations, are presented in an appendix to these remarks.

The number of officers on the retired list of the United States Army as of June 30, 1938, was 3,532. The number of warrant officers and nurses was 777. The amount of retirement pay for the fiscal year 1938 was $11,386,200 for officers and $1,163,800 for warrant officers and nurses.

In the Navy Department the record shows the average number of officers in the United States Navy on the retired list for the fiscal year 1938 to be 2,928, and the retirement pay was $8,789,878.31.

Officers of the Army and Navy are paid 75 percent of the salary received at time of retirement. Age of retirement is 64 years. Contribution payments are not required.

The number of retired Federal judges on the retirement roll April 30, 1939, was 30 and the retirement pay for the fiscal year 1938 was $307,250. The retirement age is 70. They make no contributory payments to a retirement fund. They are paid the full salary received at time of retirement.

The number of Foreign Service officers on the retired list in the State Department for the fiscal year 1938 was 92; the retirement pay for the last fiscal year was $262,328.64. These officers contribute 5 percent of their basic salaries and may retire at the age of 64. After 15 years of service, retirement is compulsory at the age of 65, and they may be retired if totally disabled for useful and efficient service by reason of disease or injury not due to any misconduct of the officer so disabled.

Total annual annuities or retirement pay for officers of the Army and Navy, Federal judges, and Foreign Service officers of the State Department for the last fiscal year amounted to $21,909,456.95.

I am putting the material collected by Mr. Latimer in the RECORD for the information of the Members of Congress who may be interested in the subject.

I desire to take this occasion to thank Mr. Latimer and his staff of assistants for the thorough and painstaking research performed in collecting the data necessary for the presentation of the different retirement systems which are covered by the statement that I am submitting for the RECORD. Mr. Latimer and his assistants have manifested a thorough knowledge of the subject of retirement plans and it is evident that the Government has in its Railroad Retirement Board not only a most capable director but also a competent and worthy staff of assistants.

Mr. Latimer will gladly respond to requests that Members of Congress may make of him for further general or detailed information relating to the subject of congressional retirement systems.

Mr. BANKHEAD. Mr. President, I also ask unanimous consent to have reprinted for the use of the Senate document room 1,500 copies of the Senate document above described.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO ROBERT H. HINCKLEY—EDITORIAL FROM THE WASHINGTON POST

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD an editorial paying tribute to Robert H. Hinckley, from the Washington Post of February 3, 1946, which appears in the Appendix.]

EIGHT COMMANDMENTS FOR PEACE—ARTICLE BY CAPT. RICHARD C. DAVIDS

[Mr. TAYLOR asked and obtained leave to have printed in the RECORD an article entitled "A Young Soldier Gives You Eight Commandments for Peace," written by Capt. Richard C. Davids and published in Better Homes and Gardens for December 1945, which appears in the Appendix.]

FARM SURPLUSES—PORTION OF HEARINGS BEFORE SENATE COMMITTEE ON AGRICULTURE

[Mr. YOUNG asked and obtained leave to have printed in the RECORD a portion of the hearings held on February 1, 1946, by the Senate Committee on Agriculture on the subject of the uses of farm surpluses in the production of various industrial items such as alcohol and rubber, which appears in the Appendix.]

JOURNAL OF THURSDAY, JANUARY 17, 1946—PETITION FOR CLOTURE

The Senate resumed the consideration of Mr. HOEY's motion to amend the Journal of the proceedings of the Senate of Thursday, January 17, 1946.

The PRESIDENT pro tempore. The Senator from Tennessee has the floor.

Mr. BARKLEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Kentucky?

Mr. BARKLEY. I do not want the Senator from Tennessee to yield to me. I wish to be recognized in my own right.

The PRESIDENT pro tempore. For what purpose?

Mr. STEWART. Mr. President, I understand I have the floor.

Mr. BARKLEY. For any legitimate and parliamentary purpose for which I may seek to occupy the floor.

Mr. STEWART. I have the floor.

The PRESIDENT pro tempore. The Chair has recognized the junior Senator from Tennessee; but the Chair has been informed that the Senator from Kentucky desires to make a motion under the rules of the Senate. The Chair is advised by the Parliamentarian that the Senator from Kentucky has that right.

Mr. BARKLEY. I advised the Chair this morning personally that I wished to be recognized, and I understood that I would be. I do not desire to take the Senator from Tennessee off his feet, if he wishes to address the Senate, but I do not want to be deprived of the opportunity to be recognized myself in my own right.

The PRESIDENT pro tempore. If the Senator desires to make a motion of the kind suggested, in the opinion of the Chair he has that right, and the Parliamentarian has advised the Chair that the Senator has that right even though another Senator may be on the floor, and for that reason and to that extent the Senator from Kentucky is recognized.

Mr. STEWART. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. STEWART. Does that take me off the floor?

The PRESIDENT pro tempore. Temporarily, but the Senator will be recognized as soon as the other matter is concluded.

Mr. BARKLEY. I will say that I would not care to take the Senator off the floor.

Mr. STEWART. I am sure the Senator would not, and I do not wish to surrender the floor, now that I have it.

Mr. BARKLEY. I am perfectly willing to ask, if it is necessary, though I think under the ruling of the Chair it would not be necessary, that I be permitted to offer the motion which I contemplate without interfering with the right of the Senator from Tennessee to the floor.

The PRESIDENT pro tempore. The Chair calls attention to rule XXII, subdivision 2, which in part provides:

If at any time a motion, signed by 16 Senators, to bring to a close the debate upon any pending measure is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and so forth.

If the Chair were called upon to decide de novo the meaning of the phrase "at any time," he would hold that it means at a time when a Senator has the floor in his own right. The same words are used in rule V, relating to a quorum, and it is the established practice of the Senate that a Senator in possession of the floor cannot be interrupted against his consent by another Senator for the purpose of suggesting the absence of a quorum. The presentation of the credentials of Senators-elect, the laying of messages from the President or the House before the Senate, the presentation of conference reports, the making of motions to adjourn, to recess, or to go into executive session, are all privileged matters or motions, but it has never been

contended that such a matter or motion was in order by a Senator while another Senator had the floor and declined to yield for purpose.

It seems to the Chair that the following clause of subdivision 1 of rule XIX is conclusive of the question:

> No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer.

A Senator can only be taken from the floor for a transgression of some rule of the Senate, as provided under paragraph 4 of the above rule; and it follows, as a necessary implication, that, so long as a Senator declines to yield to another Senator and refrains from a violation of the rules, his right to the floor is supreme.

The Senate, however, has made an exception in the case of the presentation of a cloture motion. On March 12, 1925, and again on February 24, 1927, the Senate, on appeal, decided that a Senator having the floor could be interrupted against his consent, and his right to the floor temporarily suspended, for the purpose of presenting a cloture motion.

The Chair, in view of the above precedents, feels constrained to follow such course, and holds the right of the Senator having the floor is temporarily suspended. Whether it is a proper time, under the rules, to present such a motion is a question that may later arise for decision.

The Chair recognizes the Senator from Kentucky to present the motion.

Mr. BARKLEY. Mr. President, I appreciate the Chair's ruling, and I merely desire to say, in a preliminary way, that I think the time has come in the Senate for the Senate and the country to know whether the bill which is the pending unfinished business can be brought to a vote. The proponents of the bill are entitled to know whether it can be brought to a vote, those who oppose it are entitled to know whether it can be brought to a vote, and as I see it—and I think the Senate will agree—the only way to test whether it can be brought to a vote is to have the Senate vote, under rule XXII, on a motion to close debate.

I am not in charge of the proposed legislation—the Senator from New Mexico [Mr. CHAVEZ] is in charge of it—and I am not in a position to do more than say that I think that a vote on cloture will be a pretty fair test as to whether we can bring the measure to a vote at any time in the reasonably near future. With that in view, and for the purpose of bringing the Senate, if possible, into a posture where it can either fish or cut bait, I am sending to the desk and filing, under rule XXII, a motion to close debate, which contains the signatures of 48 Senators.

The PRESIDENT pro tempore. The motion will be stated for the information of the Senate.

The motion is as follows:

PETITION FOR CLOTURE

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the standing rules of the Senate, hereby move to bring to a close the debate upon the bill (S. 101) entitled "A bill to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry":
>
> DENNIS CHAVEZ, JOSEPH F. GUFFEY, CHARLES C. GOSSETT, JAMES W. HUFFMAN, HARLEY M. KILGORE, ALBEN W. BARKLEY, SCOTT W. LUCAS, GLEN TAYLOR, ABE MURDOCK, JAS. M. MEAD, FRANCIS J. MYERS, FRANK P. BRIGGS, SHERIDAN DOWNEY, THEODORE FRANCIS GREEN, ROBERT F. WAGNER, BRIEN MCMAHON, DAVID I. WALSH, ELBERT D. THOMAS, CLAUDE PEPPER, ELMER THOMAS, JAMES E. MURRAY, WARREN G. MAGNUSON, HUGH B. MITCHELL, JAMES M. TUNNELL, FORREST C. DONNELL, WAYNE MORSE, LEVERETT SALTONSTALL, W. A. STANFILL, ROBERT M. LA FOLLETTE, Jr., HUGH BUTLER, H. ALEXANDER SMITH, B. B. HICKENLOOPER, RAYMOND R. WILLIS, ROBT. A. TAFT, WILLIAM LANGER, GUY CORDON, OWEN BREWSTER, HOMER FERGUSON, ARTHUR CAPPER, CHAS. W. TOBEY, KENNETH S. WHERRY, CLYDE M. REED, HOMER E. CAPEHART, JOSEPH H. BALL, C. WAYLAND BROOKS, THOS. C. HART, GEORGE D. AIKEN, WILLIAM F. KNOWLAND.

Mr. RUSSELL. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. RUSSELL. The point of order is that a motion to conclude debate on Senate bill 101 cannot be filed and received at this stage of the proceedings in the Senate. I direct the Chair's attention to rule III, and I wish to read from the rule:

> The Presiding Officer having taken the chair, and a quorum being present, the Journal of the preceding day shall be read, and any mistake made in the entries corrected. The reading of the Journal shall not be suspended unless by unanimous consent; and when any motion shall be made to amend or correct the same, it shall be deemed a privileged question, and proceeded with until disposed of.

Mr. President, the Senate now has before it an amendment to correct the Journal of January 17. That is a matter of the highest privilege under rule III of the Senate, and I therefore make the point of order that it is not in order to present a motion on a matter which is not before the Senate, and thereby strike down rule III by bringing before the Senate a motion which would have the effect of repealing rule III, which makes consideration of the Journal a matter of the highest privilege.

Mr. BARKLEY. Mr. President, I should like to argue for a moment the point the Senator from Georgia has raised, if he has concluded.

Mr. RUSSELL. I have concluded for the time being. The matter is so clear to me I did not think it required any argument.

Mr. STEWART. Mr. President, is argument in order, since I have the floor? Do I have to stand here and wait all day for this argument to be concluded?

The PRESIDENT pro tempore. The Chair does not know how long the Senator will have to stand, but under the ruling of the Chair, pursuant to the advice of the Parliamentarian, this matter takes precedence of the Senator's right to the floor.

Mr. STEWART. My question was, Does debate on this matter also take precedence?

The PRESIDENT pro tempore. Yes; debate on it would likewise take precedence.

Argument on the point of order is in order, if the Chair is desirous of hearing it, and if the Senator from Kentucky desires to present the matter, the Chair will be glad to hear him.

Mr. BARKLEY. It is within the discretion of the Presiding Officer whether he wishes to hear argument on the point.

The PRESIDENT pro tempore. The Chair will hear the Senator.

Mr. BARKLEY. Mr. President, rule XXII, under which the motion I have presented is filed, provides:

> If at any time a motion, signed by 16 Senators, to bring to a close the debate upon any pending measure is presented to the Senate—

And so forth. I contend that Senate bill 101 is the pending measure. If it be contended that the motion to approve the Journal is the pending measure, then, of course, it would be in order to file a cloture petition on that, if that is to be interpreted as being the pending measure. If this bill had not been made the unfinished business and the debate were debating the motion to proceed to its consideration, if that motion were held to be a "measure" within the meaning of rule XXII, then a motion for closing of debate on that motion would be in order. There has been no legislative interpretation of the word "measure" as used in this rule, but if we accept the interpretation of it that it must be a bill, then, of course, Senate bill 101 is the pending measure; it is the only thing that is pending that could be called a measure, and is the unfinished business now before the Senate.

Rule XXII was adopted by the Senate in 1917. It is a well-known theory and tenet of law, as well as legislation, that a later act if in conflict with a former act takes precedence over the former. Therefore when rule XXII, which was adopted by the Senate long after rule III was adopted, provides that if at any time—that is, without limitation—if at any time a petition is presented to close debate upon a pending measure, then it may be filed.

So, Mr. President, it seems to me that the purpose of rule XXII which was in the mind of the Senate at the time of its adoption, as evidenced by the very brief debate that took place when it was under consideration, should be effectuated. All Senators who spoke upon it, and as I recall, there were only three Members of the Senate who voted against the adoption of rule XXII in 1917—all those Senators who uttered any opinions at all about it said that they thought the time had come when the Senate should adopt a rule that would make it possible to close debate and bring a measure to a desision. That opinion was expressed without regard to geographical division. The then Senator from Georgia, Mr. Smith, the then Senator from Virginia, Mr. Martin, who offered the rule as the majority

leader of the Senate at that time, and the then Senator from Mississippi, Mr. Vardaman, spoke in behalf of it, as well the Senators from New York, Pennsylvania, and other States. So there was no geographical division in respect to the need for a rule which would bring a measure to an ultimate vote.

If a motion to approve the Journal made under a rule adopted long before rule XXII was adopted, can nullify rule XXII so as to make it forever impossible to file a petition under rule XXII, to bring to a termination the debate on a measure that is pending, then, of course, it completely nullifies not only rule XXII, but it nullifies the philosophy under which it was adopted and the purpose of the Senate at the time it was adopted, to make it possible to bring to a vote a measure that is pending. The only measure that is pending within the generally accepted meaning of the word "measure" is Senate bill 101, and it is the unfinished business, so much so that when 2 o'clock has arrived and has automatically concluded the morning hour the unfinished business is laid before the Senate and is proceeded with.

The only ground, it seems to me, on which any Senator can contend that this motion is not now in order is that rule XXII does not mean what it says when it says that at any time 16 Senators may file such a motion. And if we accept the definition of a "measure" included in that rule that it is a bill that is pending before the Senate and is the unfinished business—and Senate 101 is pending, notwithstanding any interlocutory motion with respect to the Journal of the Senate of a previous day, or the syntax or grammatical construction of the Chaplain's prayer, or anything else—the only way to vitalize the rule is to hold that Senate bill 101 is the pending measure, that it is not less a pending measure because a motion to approve the Journal has been made; and that therefore I am entitled to offer this motion, signed in accordance with rule XXII. I do not see how it can be contended that any other measure is the pending measure, except Senate bill 101. It was the purpose of the Senate to make it possible to bring such a measure to a vote by two-thirds of the Senate voting for a motion such as I have now filed.

I hope the Chair will overrule the point of order made by the Senator from Georgia.

Mr. RUSSELL. Mr. President, if the contentions of the Senator from Kentucky are correct, a motion for a cloture that is filed at any time could take from the calendar any measure pending on the calendar, and give it priority over other measures before the Senate.

This question has heretofore been before the Senate for determination, and it has been decided in a much calmer atmosphere than prevails here today.

Mr. BARKLEY. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield.

Mr. BARKLEY. Does the Senator contend that, from a parliamentary standpoint, every bill on the calendar is a pending measure in the sense of the rule?

Mr. RUSSELL. It is just as much a pending measure as Senate bill 101 is the pending business before the Senate at the present time.

Mr. BARKLEY. The Senator knows how from time immemorial the Chair has held with respect to the pending measure. It is so different from bills on the calendar that on days when there is a morning hour, automatically at 2 o'clock we go back to the pending measure, which is the measure which the Senate has voted by a majority to consider, unless it has been taken up by unanimous consent.

Mr. RUSSELL. The morning hour has no relationship whatever to this question.

Mr. BARKLEY. I mention it because it differentiates between a bill that is being considered and bills that are on the calendar.

Mr. RUSSELL. The morning hour rule has nothing to do with this question. We are not working under the morning hour. The Senate has been taking recesses from day to day, and we are still in the same legislative day of Friday, January 18. So the morning hour rule does not have anything to do with it. It does not illustrate the issue in any way, shape, form, or fashion.

As I stated, this question has been before the Senate on previous occasions. There is a long line of rulings by presiding officers, both Democratic and Republican, that business of the Senate cannot be set aside by a motion for cloture unless the bill is actually pending before the Senate as the unfinished business at the moment the cloture petition is filed. That may be a defect in the rules. I shall not discuss that. I have heard Senators say that there were defects in the rules of the Senate. There have been times when I have been rather irked at the procedure permitted under the rules of the Senate when I occupied a different position from that which I occupy here today. But we have the rules of the Senate before us and the precedents of the Senate before us, and we should not undertake to correct the rules by this procedure. The rules provide for their own amendment by the Senate. If the rules are defective they should be amended in the manner the rules provide—by lawful, regular procedure. But they should not be stricken down in this fashion.

I submit, Mr. President, that on the basis of the precedents and according to the clear wording of the rule, it is not in order to present a petition for cloture on S. 101 at the present time.

Mr. TAFT. Mr. President, does the Chair care to hear further argument?

The PRESIDENT pro tempore. Does the Senator from Ohio desire to present an argument?

Mr. TAFT. I merely desire to say, Mr. President, that the adverse position is based entirely on rule III. Rule III was adopted in the days of Jefferson, and all it says is that—

> The reading of the Journal shall not be suspended unless by unanimous consent; and when any motion shall be made to amend or correct the same, it shall be deemed a privileged question, and proceeded with until disposed of.

Obviously it is not a pending measure.

What is the pending measure? There certainly is no other pending measure than the FEPC bill. That bill, by vote of the Senate, was made the unfinished business. So far as I can see, it is the pending measure and the only pending measure, and the fact that incidental matters are being discussed at the time does not prevent it being the pending measure.

The Chair has already ruled that a petition for cloture is so privileged that it will take a Senator off the floor, and he does so under a precedent of the Senate established in 1927. If it is so highly privileged as to take a Senator off the floor, surely it is more privileged than rule III, made many years ago, merely to prescribe a course of procedure.

Furthermore, Mr. President, it is not at all clear to me that this bill is not before the Senate at the present time. It seems to me that on the day when we discussed the Journal, when we reached the hour of 2 o'clock, automatically under the rules of the Senate the unfinished business should have come up, and the matter of the Journal should have gone to the calendar, or should have gone over until the following day. So it seems to me that on any reasonable basis Senate bill No. 101 is the pending measure; and unless we are to make this rule utterly futile, I do not see how there can be any ruling except that a petition may be filed on a measure which has been made the unfinished business, which is the unfinished business of the Senate today, and which in my opinion is the only pending measure before the Senate.

Mr. RUSSELL. Mr. President, the mere fact that this rule was established by Thomas Jefferson does not make it obsolete, even though the Senator from Ohio may think so. It is an old practice, it is true; but the Ten Commandments were handed down by Moses a long time before rule III was adopted, and they are still supposed to set a standard of conduct in some circles.

That portion of rule XXII which relates to the filing of the petition does not make it a privileged matter. Rule III provides that a motion to amend or correct the Journal "shall be deemed a privileged question, and proceeded with until disposed of."

The PRESIDENT pro tempore. The Chair is ready to rule. The Chair will first read the petition for cloture which has just been submitted:

> We, the undersigned Senators, in accordance with the provisions of rule XII of the standing rules of the Senate, hereby move to bring to a close the debate upon the bill S. 101 entitled "A bill to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry."

The petition is signed by the Senator from New Mexico [Mr. CHAVEZ] and 47 other Senators.

The second subdivision of rule XXII—relating to cloture—adopted on March 8, 1917, in part is as follows:

> If at any time a motion, signed by 16 Senators, to bring to a close the debate upon

any pending measure is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate—

And so forth. The rule was first invoked in connection with the treaty of peace with Germany, which had been under discussion for almost a month. On November 13, 1919, Mr. Gilbert M. Hitchcock, of Nebraska, the ranking member of the Committee on Foreign Relations, presented the following motion:

We, the undersigned, in accordance with the second paragraph of rule XXII, move that debate upon the pending conditions and reservations proposed by Senator Lodge to be added to, and incorporated in, the resolution of ratification of the treaty with Germany, and all substitutes, amendments, and additions thereto proposed, be brought to a close.

The question immediately arose as to what was meant by the "pending measure." Mr. Hitchcock took the position that it was the reservations and conditions proposed or that might be proposed to the resolution of ratification—that is similar to the position which the Senator from Ohio [Mr. TAFT] and the Senator from Kentucky [Mr. BARKLEY] take in this instance—while Mr. Henry Cabot Lodge, of Massachusetts, contended that the only pending measure before the Senate was the treaty. Mr. George W. Norris, of Nebraska, then made a point of order that Mr. Hitchcock's motion was out of order because it did not apply to the pending measure. Mr. Oscar W. Underwood, of Alabama, who took a leading part in the discussion at the time the cloture rule was adopted, concurred in Mr. Hitchcock's view, but, in the course of his remarks, with respect to the applicability of the rule to a legislative matter, said:

A pending measure, in my judgment, means a bill, resolution, or other parliamentary action that is before us for consideration.

Mr. Frank B. Kellogg, of Minnesota, supported Mr. Lodge's position, and Mr. James A. Reed, of Missouri, observed that the treaty of peace came before the Senate daily on a motion to proceed to its consideration.

The President pro tempore—Mr. Albert B. Cummins, of Iowa—sustained Mr. Norris' point of order, from which ruling Mr. Hitchcock appealed to the Senate. The appeal, however, was laid on the table by a vote of 44 yeas, 36 nays—CONGRESSIONAL RECORD, volume 58, part 8, pages 8413–8417.

On February 24, 1927, the then Vice President, Mr. Charles G. Dawes, ruled that a cloture motion applied to the business that was pending at the time it was presented, and in this view he was supported by Mr. Joe T. Robinson, of Arkansas—CONGRESSIONAL RECORD, Sixty-ninth Congress, second session, page 4661.

Mr. Robinson, as we all remember, was the Democratic leader at the time.

On February 26 and also on February 28, 1927, Vice President Dawes again ruled that a motion for cloture applied to a bill that was pending before the Senate at the time of its presentation.

In the latter instance an appeal was taken, but was laid on the table by a vote of 69 yeas, 12 nays—CONGRESSIONAL RECORD, ibidem, pages 4900, 4985.

The above precedents, established when the history of the cloture rule was fresh in the minds of the above-named Senators, nearly all of whom were Members of the Senate at the time it was adopted in 1917, leave no doubt in the mind of the Chair that it was the clear intent and purpose that a motion for cloture could only be applied to the measure pending before the Senate at the time it was presented.

The question arises, What is the business now pending before the Senate? At the present time, and since the Senate met on Friday, January 18, 1946, as appears from the CONGRESSIONAL RECORD, the matter pending before the Senate is and has been the question of the amendment of the Journal of Thursday, January 17, 1946, save certain business transacted by unanimous consent.

The matter first in order at the beginning of a legislative day is the reading and correction of the Journal. In the opinion of the Chair, a higher degree of privilege attaches to it than to any other matter under the rules of the Senate. All other questions of privilege are subordinated to it, as appears from subdivision 1 of rule VI, which provides that—

The presentation of the credentials of Senators-elect and other questions of privilege shall always be in order, except during the reading and correction of the Journal.

Rule III, with respect to the amendment or correction of the Journal, expressly provides that—

When any motion shall be made to amend or correct the same, it shall be deemed a privileged question, and proceeded with until disposed of.

The Chair calls attention to a recent precedent of the Senate in this respect. On November 17, 1942, while a motion to amend the Journal of the previous day was pending, the late Senator Charles L. McNary, of Oregon, made inquiry concerning the presentation of the credentials of two Senators recently elected for unexpired terms, who were ready to be sworn in. The then occupant of the chair, the Senator from Wisconsin [Mr. LA FOLLETTE], replying to the inquiry, said:

The present occupant of the chair is of the opinion that until the question of the correction of the Journal has been concluded, it would not be in order to present the credentials of Senators-elect or to have them receive the oath. * * * Until all questions concerning the Journal of the last session are disposed of, no other business can come before the Senate. (CONGRESSIONAL RECORD, 77th Cong., 2d sess., pp. 8919–8921.)

Senate bill 101, the FEPC bill, while technically the unfinished business, has been temporarily superseded by a highly privileged matter, which must be proceeded with, under the rule, until disposed of. The FEPC bill is not, in the opinion of the Chair, the pending measure before the Senate, and has not been such since the adjournment of the Senate on Thursday, January 17, 1946. It cannot, under the rules, again come before the Senate for consideration until the Journal of January 17 has passed the stage of correction or amendment. When that has been disposed of, the FEPC bill, as unfinished business, will automatically be laid before the Senate by the Presiding Officer. At that time, and not until then, can a cloture motion on the bill be presented to the Senate under the rules.

The Chair sustains the point of order.

Mr. BARKLEY. Mr. President——

Mr. TAFT. Mr. President——

The PRESIDENT pro tempore. The Senator from Kentucky.

Mr. STEWART. Mr. President, I have the floor until this matter is disposed of.

Mr. BARKLEY. Mr. President, there is another privileged matter before the Senate which involves this whole question.

Mr. STEWART. Mr. President, I have the floor.

The PRESIDENT pro tempore. The Senator from Kentucky will state the matter to which he has referred.

Mr. BARKLEY. The right of the Senate to pass upon its own rules. With great respect to the Chair, I think in this instance the Senate has the right to pass upon its rules and to interpret them, and therefore I must respectfully appeal from the decision of the Chair.

Mr. STEWART. Mr. President, I object to the statement of the Senator from Kentucky. I do not yield for that purpose, and I have not yielded for any purpose.

Mr. BARKLEY. Mr. President, a while ago I asked that the Senator be permitted to yield without interfering with his right to speak. The right to appeal from a decision of the Chair on the very matter which we have had before us is certainly a part of the proceeding for which the Senator has yielded.

Mr. STEWART. Mr. President, I repeat that I have the floor, and the Senator from Kentucky——

The PRESIDENT pro tempore. The Senator from Kentucky is correct about the matter, and he may make such an appeal.

Mr. BARKLEY. Mr. President, I regret that I do not find myself in accord with the ruling of the Chair, but I think on this matter the Senate has a right to interpret its rules itself.

For that reason, I am compelled to appeal from the ruling of the Chair.

The PRESIDENT pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. STEWART. Mr. President, since the Chair has already ruled that the Senator from Kentucky had a right to make the motion, I shall not propound a parliamentary inquiry which I was about to propound. I take it that the motion is debatable.

The PRESIDENT pro tempore. It is.

Mr. STEWART. Very well; then I shall proceed to debate.

The PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. STEWART. Mr. President, again we are confronted in the Senate of the United States with the consideration of a matter which is highly controversial. The controversial nature of the measure which the Chair has held to be the unfinished business has been demonstrated within the last few minutes.

Mr. President, technically I wish to debate the question which has been before the Senate within the past few minutes, namely, the ruling of the Chair on the question of sustaining the point of order against the filing of a petition for cloture and upon the question of permitting an appeal from the decision of the Chair. Likewise, I expect to debate the unfinished business, Senate bill 101, the well-known FEPC legislation. I understood the Chair to rule that the filing of a petition for cloture, being a highly privileged matter, temporarily would displace or take from the floor any Senator who previously had gained recognition. I did not object to that seriously, Mr. President, because I understand that to be the proper and correct ruling. But after the motion was made for permission to file a cloture petition, the petition being presented to the Chair with the signatures of 48 Senators, then the Chair proceeded to listen to a short discourse on the interpretation of the rules, made by the Senator from Kentucky, the Senator from Georgia, and the Senator from Ohio, whereupon the Chair proceeded to rule that the petition could not properly be filed because it could be directed only at the pending measure; and the FEPC bill not being the pending measure, but consideration of approval of the Journal being the pending measure, and the petition for cloture not having been directed at it, the Chair, of course, properly ruled that the petition for cloture could not be received.

Thereupon the Senator from Kentucky proceeded to take exception to the ruling of the Chair—but over my continued protest, that, inasmuch as I had previously been recognized by the Chair and had not yielded to the Senator from Kentucky, I had the floor, and that the Senator from Kentucky, who undertook to take exception to the ruling of the Chair and to make a motion which he was allowed to make appealing from the Chair's ruling, was entirely improper and out of order. I think the matter of consideration of such a motion cannot properly be taken up until such time as a Senator who desires to make the motion can obtain the floor in his own right. But the Chair has already passed on that matter, and I presume that for the present it will stand as it is.

So I desire now to discuss the FEPC bill, which I understand to be the unfinished business.

Mr. RUSSELL. Mr. President, I am sure the Senator from Tennessee would not wish to conclude that part of his remarks without stating that, under the rules of the Senate, the ruling by the Chair was the only one he possibly could have made without violating the rules of the Senate and all the precedents of the Senate on the subject.

Mr. STEWART. I think the Senator from Georgia is quite correct, of course. The obvious ruling to make concerning the petition for cloture was the ruling the Chair did make, because, as the Chair stated, in ruling in regard to the filing of the petition, his ruling followed every precedent which is known to this body. Of course, the Chair was highly correct. His ruling was highly proper. In fact, it was the only ruling which could have been made. While, as I have said, the motion to appeal from the decision of the Chair was out of order and, I believe, should not have been made, nevertheless it was made, and sooner or later we shall probably have to vote on whether the petition for cloture may properly be filed.

Mr. EASTLAND. Mr. President, will the Senator yield for an observation?

Mr. STEWART. I hope that Senators will read the various rules which apply to the situation, because I think it can truthfully be said that to overrule the Chair in respect to a ruling which is so fair and obvious would be almost to ravage the established rules and precedents of the Senate.

Mr. President, the FEPC bill is highly controversial. It is controversial by reason of the fact that it attempts to force the race question upon the United States, and particularly upon the States of the South. Within recent years kindred problems have been presented to the Senate. By "kindred problems" I refer to problems which are sectional in nature, or which invariably give rise to the race issue. I think that the pending bill should not have been presented to the Congress at this time. If it was to be presented at all, I think it should have been presented at a more opportune time. It should not have been presented at a time such as now, when the country as a whole is in a very chaotic condition. There are scores of other matters which should be receiving the consideration of the United States Senate. There are scores of matters which are crying for attention and which, if properly settled, would redound to the benefit of all the people of the world.

Mr. President, some of us are wondering why we are being forced to consider proposed legislation of the character which is now before the Senate, why we are being forced to consider this so-called FEPC bill. Is it because some powerful individual, or a powerful group of individuals, has demanded that the Senate consider such a matter at this time? If so, who is he, or who are they? Upon whom did they make the demand that the Senate consider Senate bill 101? Certainly, the demand did not originate with the people of the Southern States, and yet it is conceded that the people of the Southern States would be most seriously affected by the passage of such a bill. In fact, the South would perhaps be more seriously affected than would any other section of the country. It is because of that fact that southern Senators, with but two exceptions, are now opposing the FEPC bill. Therefore, Senators who are representing Southern States stand almost 100 percent together in their decision to fight the bill to the end. I have stated that no demand has been made by any responsible person or group of persons for the passage of the pending bill at this time, or at any other time. I know, and the people of the South know that there is absolutely no need for legislation of the character which is now being proposed. I may say, as it has also been said by other Senators during this debate, that we are solving our race problems in the South to the satisfaction of all concerned.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. STEWART. I yield.

Mr. EASTLAND. Does not the Senator from Tennessee believe that if a Negro got into trouble and wanted a friend to help him, he would more quickly go to southern people for help than he would go to some of his political friends who are clamoring so loudly for his vote?

Mr. STEWART. I may say to the Senator from Mississippi that it has been my experience that the relationship between the white man and the black man in the South has been such that very few Negroes, if any, have ever felt the slightest hesitancy in asking the white man for aid and succor in time of trouble.

Mr. EASTLAND. Is it not true that the average Negro considers the southern people to be better friends of his than people from other sections, and that the allegations which have been made of mistreatment of Negroes are largely the figment of the imagination of politicians who want the Negro vote?

Mr. STEWART. The allegation of trouble between the races in the South, and of discrimination against the colored man in the South, is not only a figment of the imagination and of a distorted mind, but it is absolutely untrue.

Mr. President, the Southern States date their present political status back to the unfortunate period of the War Between the States and the civil strife which ensued throughout the South. Having been overwhelmed and defeated in the battles which were fought during that war, which lasted 4 or 5 years——

Mr. EASTLAND. Is not the Senator mistaken about the South having been defeated?

Mr. STEWART. Mr. President, the Senator knows what I mean. We had to lay down our arms, and a Negro legislature was installed in one of the States, namely, South Carolina. If that fact did not represent defeat, I do not know what it did represent. Of course, the spirit of the southern men and women has never been defeated, and it will never be defeated so long as breath remains in their bodies.

Mr. EASTLAND. The South was defeated by starvation, and not by force of arms.

Mr. STEWART. The historians have written many stories about that situation. What the Senator has said is, I think, true. The South was unable to obtain supplies. The point which I was trying to make was that since those days the people of the South have struggled with the race problem. The whites and blacks struggled together and lived in days when neither of them had enough cornmeal to assure a respectable and decent repast.

They have lived together throughout the years. I am speaking of a period of three-quarters of a century or more, and in that period of time they have made progress of which I am proud, and of which the black man in the South is proud, notwithstanding the infamous

falsehoods the Communists have stated to the contrary.

Mr. EASTLAND. I wish to invite the attention of the Senator to section 3, page 2, of Senate bill 101. The Senator will note that the section provides:

It shall be an unfair employment practice for any employer within the scope of this act—

(1) to refuse to hire any person because of such person's race, creed, color, national origin, or ancestry.

The question I wish to ask the distinguished Senator is this: Let us assume a business with 2,000 white employees and 500 Negro employees which I do not think is an extreme illustration. Suppose a white worker and a Negro worker, both of whom have the same qualifications, apply for the same job. The employer takes this position, "I have 500 Negroes employed, and that is one-fifth of my employees. That is a greater proportion than the sum total of the Negro population bears to the whole population of the country. Therefore I am going to hire the white man and not hire the Negro." He is refusing to hire the Negro because of his race. Does not the Senator believe he would then be guilty of discrimination, under the proposed law?

Mr. STEWART. As I construe the bill, the matter would be entirely in the discretion of the Commission that is to be set up.

Mr. EASTLAND. He would be guilty.

Mr. STEWART. They could hold him guilty on the ground that he had discriminated against a member of a minority race.

Mr. EASTLAND. If he refused to hire the man because he was a Negro, then he would be guilty, under the proposed law. I think the Senator will agree with me in that.

Mr. STEWART. I think that is true.

Mr. EASTLAND. Then does not that constitute a preference for the colored worker over the white worker?

Mr. STEWART. Preference is given throughout the bill to all minority groups. The result is that it gives minority groups control of industry in this country, to the exclusion of majority groups. There can be no question about that.

Mr. EASTLAND. The bill is not limited to minority groups. Suppose an employer should say, "I have four or five other white workers, and therefore I will give this job to a Negro, and not to a white man." Then he would be discriminating against the white man because of his race and because of his color.

Mr. STEWART. But he would not have violated any law.

Mr. EASTLAND. He would be violating the proposed law.

Mr. STEWART. He would not be violating the proposed law by discriminating against the white man if the white man belonged to a majority group, because the majority is not protected by the bill.

Mr. EASTLAND. I call the Senator's attention to the fact that to refuse to hire any person because of such person's "race, creed, color, national origin, or ancestry" is violative of the measure. The point is, does not the Senator think that either position the employer takes he is liable, under the proposed law, and can be prosecuted?

Mr. STEWART. I see the Senator's point. That might be correct. After all, it is up to the Commission to be set up by the bill to determine that question.

Mr. EASTLAND. But, as a matter of fact, if the employer took that position, he would violate the law.

Mr. STEWART. An employer cannot make any decision at all without violating it.

Mr. EASTLAND. The point is that under the bill all industry in this country will be nationalized, and we will have bureaucratic control of the whole economic life of the United States.

Mr. STEWART. There is no doubt about that. The Senator's conclusion is absolutely correct. In common parlance, we might say that the Senator is "as right as rain."

Mr. President, I may say, as has been stated by other Senators during the course of the debate, and as has been stated on the floor in similar debate scores of times, we of the South are solving our race problems, and solving them to the satisfaction of all those who are concerned. When I say those who are concerned, I do not mean communistic busybodies who are in other parts of the country, who are not close to the problem, and know nothing about it, but I mean those who are directly concerned. Of course, I mean the white man and the black man in the South.

Anyone interested honestly and sincerely in the solution of this problem will admit that we have made more progress in the South in the past quarter of a century than in any other comparable period of time. Every observer must know that the bill we are considering does raise the race question. That is precisely what it does, and no doubt that is the purpose for which it was designed. This statement of mine is not an original thought or idea; it has been repeatedly said on the floor of the Senate that the race question is raised by such proposals.

As I have said, we have made progress in settling the problems of race differences in the South. Speaking of race conditions, I naturally speak of the white and black races, because they predominate in the South.

Mr. President, I know, as does everyone else familiar with the situation in the South, as well as in other States of the Union, that conditions are not perfect. But who can say that perfection can be obtained by this iniquitous, unfair, utterly dishonest measure, Senate bill 101? I know that conditions never have been and probably never will be perfect, insofar as the solution of the race problem is concerned, not only in the South but in all sections of the country and of the world. But I know, or at least I believe, that, so far as we are concerned, we can and will settle the question among ourselves in the South with as nearly a perfect score as might be or could be expected. I think that, as a matter of fact, we can and will solve it among ourselves in the Southern States even better than other sections of the country are at the moment attempting to work out similar problems.

The southern white man and the southern black man are friends, and they will remain friends so long as they are left alone to work out their own destinies without "kibitzing" agitators from the outside who come in and attempt to stir up strife by pressing for the passage of laws such as the iniquitous bill now being considered.

Mr. President, this matter actually has possibilities of bringing serious trouble and unrest to one of the greatest sections of this country. The southern Negro is not as ill-content and unhappy as some people pretend he is. The southern Negroes have schools, and each year sees more and more of them built. They have schools and are educating their children, and progress is being made in this field.

Their freedom to work and earn their own way has not been denied. They own property, and the laws of the States protect them, just as they protect others.

The colored man is an ambitious person, he desires to go forward. He likes to see his children go to a good school. He wants them educated, and I glory in his ambition in that regard.

We in the Southern States are giving the Negroes all the aid humanly possible for us to give. The South, a bare 10 years ago, or less than that, perhaps was found to be the "Nation's economic problem No. 1." We have had less money in the South since the days of the War Between the States, than those of other sections of the country have had. The white people, as well as the blacks, have been poorer, and have had to struggle along.

Mr. JOHNSTON of South Carolina. Mr. President——

The PRESIDING OFFICER (Mr. O'DANIEL in the chair). Does the Senator from Tennessee yield to the Senator from South Carolina?

Mr. STEWART. I yield for a question.

Mr. JOHNSTON of South Carolina. I should like to ask the Senator whether, as has been stated a great many times in the newspapers, only the South is fighting this particular bill before the Senate in the discussion of what is commonly known as the FEPC.

Mr. STEWART. That has been stated, but it is not a correct statement. There is plenty of sympathy in other sections.

Mr. JOHNSTON of South Carolina. I wish to read from the Washington Post of February 1, a letter written by Robert White, Jr. The heading is FEPC. I want the Senator to listen to this and to answer the question whether or not we find people in the North probably taking the same view the Senator and I have taken. The letter reads:

FEPC

In your editorial columns and in letters to editor in re FEPC one point seems to be overlooked. The assumption seems to be that objection to FEPC is exclusively southern. That is an error. The clearest and sanest objection that has met my eye is a letter from the Chamber of Commerce of Boston, Mass., urging the State legislature not to let the action of New York stampede them into putting teeth into an act so stupid. This

was followed by a similar action by the C. of C. of Cleveland, Ohio.

The three main points were:

1. It destroys a valuable mainspring of industry called crudely the freedom to hire and fire.

2. It penalizes an employer for prejudices which may not be his. (Be he ever so broad-minded, if his other employees or his customers find some persons of other races or religions uncongenial, they can quit and leave Mr. Employer with the empty bag to hold.)

3. The essence of FEPC involves motive, and that is not so easy to pin on a man. (Motives are seldom simple. Most of them are a composite or compromise of several impulses.)

Prohibition would probably have been a howling success in a nation of law-abiding folk addicted to abstinence. The scheme of making the American people become temperate by law didn't seem to work out that way. It would be grand if our United Nations delegates could stand up and tell the world, "Let us show you how we did it in the United States of America. Just pass a law." If they do, it would be better for the world to look before we pass FEPC.

ROBERT WHITE, Jr.

That letter was published in the Washington Post of February 1, 1946. After having heard me read the letter, would the Senator say the contention that this fight is made only by southerners is true or is not true?

Mr. STEWART. Of course, the Senator knows, as I do, that similar legislation has been submitted to 20 States in the Union, and that only two have passed such legislation, and that not a single Southern State has done so.

Mr. JOHNSTON of South Carolina. Of course, the Senafor from Tennessee and I know that the bill will never come to a vote, but assuming it should come to a vote, does the Senator think the proponents of the bill would vote for an amendment like this:

Provided, That before this legislation shall become effective in any firm or corporation by which more than six persons are employed, the majority of the employees shall first vote in favor of putting this law into effect.

Does the Senator think the proponents of the bill would vote for such an amendment?

Mr. STEWART. I doubt it very much.

Mr. JOHNSTON of South Carolina. I am sure the proponents of the bill would not give the majority of employees of a corporation or firm employing more than six the opportunity to decide the practice they wanted applied in that firm or corporation.

Mr. STEWART. I would have serious doubt as to whether they would. Of course, in order to obtain proper and correct information the Senator will have to ask the question of someone who is for the bill. I am against it. But I do not believe such an amendment would get anywhere. I doubt very much if it would. I thank the Senator for his contribution.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. STEWART. I yield.

Mr. CHAVEZ. Of course, if the bill is worth while it should be effective. All laws are passed for the purpose of being effective. When Congress passed the draft law, the selective-service law, did it place in that law a proviso to this effect:

Young men from Tennessee or New Mexico, we will draft you provided you are willing to go to Europe.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator permit me to answer that question?

Mr. STEWART. Is the Senator from New Mexico willing that I yield to the Senator from South Carolina for the purpose of making response?

Mr. CHAVEZ. I shall be glad to have the Senator from South Carolina answer.

Mr. JOHNSTON of South Carolina. I have heard a similar question asked time and again on the Senate floor.

Mr. CHAVEZ. It is a good question.

Mr. JOHNSTON of South Carolina. When the boys, both white and colored, went into the service they realized and understood the conditions existing in the United States at that time. For the information of the Senator I will say that in the First World War I spent 18 months on the battlefields in France, and I was in Germany also. I expected to return to this country when the war was over and find it as it was when I left, with every employer having the right to hire the man he thought would fit into his organization or business, and not be jeopardized by having to take someone into his organization who might stir up strife and discontent and probably force his business into bankruptcy.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. STEWART. I yield to the Senator from New Mexico.

Mr. CHAVEZ. If an American boy, black or white, whatever his ancestry may have been, is good enough to hit the beaches to fight for his country, why should we not pass a law which will protect him against discrimination in employment, and provide a certain measure of decency in connection with his employment?

Mr. JOHNSTON of South Carolina. I am against discrimination, but that is not what the bill sponsored by the Senator from New Mexico deals with. This bill would set up a national agency which would be a virtual dictator in the United States, which could say whom I can hire, whom I can advance in pay and and whom I may discharge from my employment, provided I employ six or more persons. The bill affects interstate commerce, as the Senator knows.

Mr. CHAVEZ. Mr. President, I respect the opinions of the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. What does the bill cover? What does it provide?

Mr. CHAVEZ. It does not provide for any such thing as the Senator said.

Mr. JOHNSTON of South Carolina. What does it provide then?

Mr. CHAVEZ. No company is obliged or compelled to employ anyone, not a soul, whether he be black, white, a Jew, or of any other nationality. It says that if a man is qualified he should not be turned down for employment because of race, creed, color, or national origin.

Mr. JOHNSTON of South Carolina. I will say to the Senator that I am not in favor of giving an alien a right over the returned American soldier, whether he be white or black. I do not want to give an alien a right over the returning soldier so he can walk into an employer's office and say, "You must hire me because I am competent to do the job"; and then the soldier boy may walk in and find he cannot get the job, whether he be white or black, simply because the alien had gotten it before he did. Under this bill such a thing could happen. If the Senator will read the bill carefully he will see that what I say is true. It penalizes the returned soldier.

Mr. STEWART. Mr. President, I make this observation, which pertains to my speech: The arguments presented by both the Senator from South Carolina and the Senator from New Mexico are effective and worth while. The Senator from New Mexico said that no man is asked what his race or color is when he goes to war. Men are drafted on an equal basis. Both the statements made by the Senator from New Mexico and the reply made by the Senator from South Carolina are full of good sense and good logic.

Mr. President, my position with respect to this bill is that I have not yet seen any need for such legislation. Certainly there has been no convincing proof of the need for it presented at the hearings which were held. I did not attend the hearings, but, from what I understand, they were—I shall not say farcical, but they were at least one-sided. I heard the statement made the other day that the bill was brought to the floor with the thought that debate which might be indulged in on the floor by Senators might be used as a sort of substitute for the hearings. In other words, that the subject might be aired on the floor of the Senate. I think it has had a pretty good airing, and I think it will get a good deal more before the debate is concluded.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield for a question?

Mr. STEWART. I yield for a question.

Mr. JOHNSTON of South Carolina. For the information of the Senator, I will say that I noticed that when a similar bill was introduced in the House it was rushed in that body. The bill was introduced on January 16 and reported to the floor on January 21. It was considered in committee during a week end. I do not know whether or not any hearings were held by the House committee, but the interval between introduction and report of the bill shows that it was rushed in the House. I am a member of the Commitee on Education and Labor, and I shall be frank with the Senator and say that no worth-while hearings were had on the pending bill before it was reported to the Senate.

Mr. STEWART. I understand the hearings were rather meager, indefinite, and uncertain. I have heard language of that kind used in respect to what was done.

Mr. President, the people who are behind and who have agitated this vicious

proposal will be responsible for whatever strife it stirs up. There is, I repeat, no demand in the South for this character of legislation. I have been wondering what percentage of the so-called minorities of the country, which the bill purports to aid, actually want it. The adoption of the bill will create but one more bureau or commission to propagate discord.

The unfriendly feelings which it will engender will be much worse and more lasting than any alleged discrimination which the sponsors of the bill claim has been practiced. The remedy is far worse than the alleged disease which it is proposed to cure. It will bring snoopers and busybodies, smellers and agitators, alleged do gooders, and troublemakers into every phase of American life, not only in my southland, but in the North, East, and the West as well.

How long can this country, which was built to its present greatness on individual enterprise and initiative and know-how, weather such asinine foolishness? A return to understandings and good will on the part of the people as a whole, certainly cannot be expedited by such proposals as are contained in this ill-considered and infamous S. 101.

The report of the Committee on Education and Labor as one of the reasons for the necessity for passing this legislation declares, naively, that it is "to confound our enemies who hope to divide us class by class, race by race, group by group, to vitiate the victory that is at hand and to lay the basis for World War III."

We are asked to pass this bill so that our enemies overseas will not think that we are split up and divided. If I were making a stump speech to a crowd I could think of a good word to say right there.

In all fairness, Mr. President, I cannot conceive of anything that would create greater unrest and division in our economic, social, and business life than the passage of this foul-smelling legislation. It has the potentialities not only for breeding but fostering discord and dissatisfaction to their fullest growth. It should be apparent that we cannot regulate ideas in this respect, nor can we continue to aid in the growth of this country and the fullness of employment by compulsion and force such as are proposed in this bill.

Who really wants the bill? Who with real sincerity has asked for it? Was it requested in the interest of furthering understanding, harmony, and better relations? Who wants the bill? Is it folly to say, Mr. President, that understanding and tolerance cannot be promulgated by legislative decree?

Why was it brought up at this time, and why is an attempt being made to cram this thing down our unreceptive throats? I ask why because I wish to know. I ask why because I also wish to know whether it is more important to consider this bill, and consume 2 or 3 months in debating it in the Senate, than to consider other measures which are vitally important. Let us ask a few questions along that line.

Is it more important to consider this bill, which every one knows would serve only to provoke distress, promote discord, and, in common parlance, bring trouble, than it is to consider bringing home from overseas the fathers of 1,000,000 children? Is it more important to consider this bill than to consider bringing home from overseas other soldiers who are long since war weary? Is it more important than bringing home hundreds of thousands of veterans who have served their country long and well? Is this bill considered more important than restoring to their homes men who deserve to be returned, and whose return is highly desirable and will do much to bolster American morale?

Mr. President, I believe that the Congress is approaching the point where it is about to neglect its duty to servicemen who are entitled to be discharged and brought home now. I might add, as a precaution, that I do not wish to be misunderstood, nor do I intend to say that the duty of our Government overseas has been neglected in any sense, or should be neglected. However, I mean to emphasize the importance of returning the father to the child whom he has never seen, and the son to his mother whose face he has not gazed upon for years. But we cannot do that. We cannot have any legislation for that purpose, because we must mess around with this stinking FEPC bill. We cannot send overseas to bring back the boys who are praying to Almighty God to see the faces of mothers that they have not gazed upon in years. No. The Senate cannot pass such legislation as that. The boys over there, both black and white, cannot receive the attention we ought to be giving them, for the reason that we have serious domestic troubles to which we must give attention.

My good friend from Louisiana [Mr. OVERTON] sits on my right. I say to him that I venture the assertion that there is not one-tenth of 1 percent of cases of abuse in employment in the entire United States, if the God's truth were known.

This bill is a falsehood within itself. It stands upon a foundation which will not support it. It is an iniquitous falsehood from beginning to end. Listen to the preamble—or whatever it is—in section 1:

The Congress finds—

If we pass this bill, let me say to the Senator from South Carolina [Mr. JOHNSTON], who sits at my left, and with whom I have engaged in colloquy today, we must find—

that the practice of denying employment opportunities to, and discriminating in employment against, properly qualified persons by reason of their race, creed, color, national origin, or ancestry, foments domestic strife and unrest, deprives the United States of the fullest utilization of its capacities for production, endangers the national security and the general welfare, and adversely affects commerce.

After reading that, one would think that the sun would not rise in the morning if we did not pass the bill; that a Joshua would point to the sun and moon and say "Hold it," while the old earth trembled and froze again. One would think that if we did not pass the bill at once this country would go to hell on a bobsled. Do Senators subscribe to any such stuff as that? There is not a single word of it that is true. It is false.

It is said that the national security is endangered. How is the national security endangered? What has happened that makes us afraid of something from outside? What is it that endangers the national security? It is said that because we will not pass the FEPC bill the national security is endangered. How? Have Senators read the hearings which were held on this bill? There were practically no hearings. I have heard of only very meager ones.

It is said that commerce is adversely affected. How is commerce adversely affected? I should like to know what is meant by all these statements. If we pass this bill we say that all the conditions which are enumerated in section 1 actually exist in this country—that commerce is adversely affected, that the national security is endangered, and that we are on the broad highway which leads to another land.

I was asking whether it is more important to return the boys from overseas than it is to consider this bill. Let us talk some more about that and other questions.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. STEWART. I yield for a question.

Mr. OVERTON. Before the Senator reaches another point, recurring to section 1 of the bill, which he has just read to the Senate and which declares that—

The Congress finds that the practice of denying employment opportunities to, and discriminating in employment against, properly qualified persons by reason of their race, creed, color, national origin, or ancestry foments domestic strife and unrest.

I ask the Senator whether he knows of any domestic strife which has been fomented by reason of a denial of employment in the United States to any person because of race, creed, color, national origin, or ancestry?

Mr. STEWART. Mr. President, I can truthfully say "No." I know of absolutely none. A moment ago I prefaced my remarks with the statement that I knew of no such practices as are described in section 1 of the bill. If we pass the bill, we declare that such practices exist. I know of no such practices; and I made the statement that I ventured the assertion that there was not one-tenth of 1 percent of abuse in industrial employment, which this bill would be presumed to cure.

Mr. OVERTON. Is it not true, so far as labor is concerned, that the only domestic strife and unrest of any magnitude which prevails in this country is represented by numerous strikes?

Mr. STEWART. The Senator is correct.

Mr. OVERTON. I ask the Senator whether those strikes find their origin in the fact that employment has been denied to Negroes, Jews, or foreigners. Is that the cause of the strikes?

Mr. STEWART. I was coming to that question. If it is, who knows it? It was not presented at the hearings.

Mr. OVERTON. As a matter of fact, there is no relation whatsoever between the existing strikes and denial of employment to Negroes and others because

of race, creed, color, national origin, or ancestry.

Mr. STEWART If there is a single strike in any line of industry or elsewhere that can be attributed to any of the things mentioned in this bill, I do not know it. Strikes do not exist because anyone has been denied equal opportunity in employment, or because anyone has been discriminated against because of race, creed, or color.

Mr. OVERTON. If the bill were enacted into law, an employer would be required to employ a person, whether he were a citizen of the United States or not, and could not deny such employment because of race, creed, color, national origin, or ancestry. He would have to employ him. If that person were not affiliated with the union which dominated labor at the particular plant or in the particular industry, does not the Senator think that if the proposed law were enforced it would be very likely to foment strife and unrest, and bring on strikes in this country?

Mr. STEWART. I think it would be the beginning of an era the like of which we have never seen. There would be more trouble and discord. I have repeatedly stated that the bill would foment trouble and discord. That is all it is fit for.

Mr. OVERTON. Can the Senator understand why it is that organized labor of any kind—either the CIO or the A. F. of L.—should be undertaking to aid in the passage of a bill which would require the breaking up of the open shop? It would require an employer to hire any person, and would prohibit the employer from denying employment to any person because of his race, color, or creed.

Mr. STEWART. No; I cannot understand it. It is beyond me.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. STEWART. I yield to the Senator from Mississippi for a question.

Mr. EASTLAND. The Senator from Tennessee has read the committee hearings, I am sure. In those hearings was there any proof that the practices against which this bill seeks to legislate have fomented domestic strife and unrest in this country?

Mr. STEWART. I am sorry to say that I have not read the committee hearings. I have been told in substance what occurred before the committee, but I have not read the hearings.

Mr. EASTLAND. I will tell the distinguished Senator that there was utterly no proof that the practices, the occurrence of which on a large scale in the United States this bill attempts to prevent, are existing on a scale of sufficient size to justify or require legislation by the Congress.

Mr. STEWART. I had so understood. I understood there was no proof of that at all. In other words, to that extent the report is more or less manufactured, I take it.

Mr. President, is it more important for us to spend our time in the greatest deliberative body in the world dilly-dallying over an FEPC proposal that very few have asked for and nobody needs than it is to undertake to press for the solution of the problem of the atomic bomb and atomic research, for instance? The advent of the atomic bomb has created a situation unparalleled in this world. The idea of the harnessing of atomic energy for a destructive force in war was developed in the United States of America, at the cost of over $2,000,000,000 of American money.

Indeed, this development was created within the confines of my own State of Tennessee, where a great plant now stands and is still operating, although its future hangs in the balance. Is it more important to be giving time to consideration of a puny purpose when there hangs in the balance perhaps the question of interminable delay in the development of peacetime uses of this newly discovered energy?

Hundreds of scientists are awaiting the word to start research which will lead us far beyond the dreams of man. But the word has not come. It is caught up in the endless babble of many voices. Is it more important to be giving consideration here today to a thing which will make man hate man and which will cause strife and discontent so long as man lives and breathes than it is to press for consideration of such problems as atomic energy?

Is it more important to give consideration to the establishment of a commission which would be authorized to violate every right, privilege, and guaranty which American has not only enjoyed for more than 150 years but for which her sons have fought many wars, and under which this country has become great, than it is to be weighing the real vital problems which face us? Is it more important, I ask, to spend our time considering an iniquitous piece of legislation which will repeal almost in toto our Constitution when there are still unsettled in this country—and crying out loud for prompt consideration—domestic problems such as the strikes which have seized and paralyzed industry, strikes which cause men and women to do without food and other necessities of life, strikes which were not brought about by any of the discriminations referred to in this proposed legislation? Is it more important to continue to talk about this iniquitous piece of perfidy—Senate bill 101—than it is to attempt to solve the problem of the housing of returned veterans—veterans who but a few months ago were sacrificing themselves upon every battle front in the universe, veterans from the East, West, North, and South, veterans who carried the battle to the enemy, and who have, by the grace of our great God, returned home victorious?

Is it more important that we undertake to devise some manner and method by which minority groups might overrun and override and abuse majority groups rather than to give consideration to the problem of reconversion of industry, for instance, in our own country?

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. STEWART. I yield for a question.

Mr. JOHNSTON of South Carolina. I should like to ask the Senator from Tennessee whether it is true that at the present time we need to have a great many amendments made to the GI bill of rights, in order to give the veterans the rights they were intended to have in the beginning?

Mr. STEWART. I think there is only one part of the GI bill of rights which is working in a practical way, and that is the provisions to enable the boys to continue with their schooling. The GI bill of rights certainly needs many amendments.

Mr. JOHNSTON of South Carolina. I hold in my hand a concurrent resolution adopted by the General Assembly of South Carolina. It reads as follows:

> Concurrent resolution requesting the Congress of the United States to pass necessary amendments to the GI bill of rights whereby veterans in accredited schools shall receive monthly benefits for each calendar month until their graduation or severance from said school
>
> Whereas under the present GI bill of rights veterans who are students in accredited schools only receive benefits for themselves and their dependents during the actual school term; and
>
> Whereas these veterans have no opportunity to earn a decent livelihood during their vacation period; and
>
> Whereas the housing situation is so acute that married veterans are unable to change their residence after entering the school: Now, therefore, be it
>
> *Resolved by the house of representatives (the senate concurring)*, That it is the sense of the General Assembly of South Carolina that Congress be and the same is hereby memorialized to effect immediate amendments to the GI bill of rights so that all veterans who matriculate in institutions accredited by the Veterans' Administration shall receive monthly benefits for themselves and, in those cases where they have dependents, for such dependents, for each and every calendar month until their graduation from such accredited institution or school, or until they sever their connection with such institution or school by ceasing to be students of the same; be it further
>
> *Resolved*, That a copy of this resolution be sent to each of the Representatives in Congress from South Carolina, the President of the Senate of the United States, the chairman of the Judiciary Committee, and the Military Affairs Committee of the United States Senate to the Speaker of the House of Representatives and a copy to the Judiciary Committee and Military Affairs Committee of the House of Representatives and a copy to the Veterans' Administration.

Does not that show that the General Assembly of South Carolina believes there is need for amendments to the GI bill of rights?

Mr. STEWART. It shows that today the need for amendment of that law is quite acute. A similar concurrent resolution or petition might have come from the legislature of any other State of the Union. But suppose the Congress desires to have amendments made to the GI bill of rights; what possibility of it is there now?

Mr. JOHNSTON of South Carolina. It simply shows that under the present situation no such amendments can be made. We can attempt to submit them or to submit other remedial legislation, as we have done many times during this

debate, but one Senator can object and can thus prevent the submission or introduction of such measures. Therefore, all legislation is tied up here.

Mr. STEWART. Suppose the Senator from South Carolina had introduced such legislation and suppose it had gone through all the channels and had observed all the rules and protocol, and so forth, and was on the calendar, next in line; how could it be brought up?

Mr. JOHNSTON of South Carolina. It could not be brought up, under the situation presently existing in the Senate.

Mr. STEWART. That is correct.

Mr. JOHNSTON of South Carolina. I personally lay the blame on those who brought up the FEPC bill, because they knew it would cause extended debate for days and days, and probably for months.

Mr. STEWART. Certainly.

Mr. President, is it more important to be giving consideration to this FEPC legislation, which will only produce strife and discord, than it is to be giving consideration for instance, to world peace, at a time when commissions representing all governments in the land have gathered upon foreign soil for the purpose of working out a plan which will guarantee to the world eternal peace—not merely a plan which will give minority groups equal treatment, but one which will give all groups and governments final and complete protection.

Is is more important to be spending our time on the Senate floor in a so-called filibuster which has been forced upon us at the insistence of unreasonable minority groups who no doubt are undertaking to bring political pressure upon the Senators from their States, than to to be giving thought and attention for instance to the building, throughout the country, of schools and roads—not only roads for the benefit of transcontinental travel, but rural roads which are so seriously needed in so many States of the Union?

Is it more important to be spending our time, day after day, week after week, on this political measure which has been forced upon the Senate by pressure from a small segment of minorities in the United States, than it is to be giving attention to the surplus-property problems with which we have been shadow-boxing for a year? Is it more important, I ask, to continue the debate we are engaged in so that a few Communists who have been sitting in the galleries may be entertained, than it is to give consideration to the passage of a real law which will guarantee to every veteran in the country, and especially the small businessmen, the opportunity to purchase billions of dollars worth of surplus property which has been playing hide-and-seek all over the world since even before the war came to an end?

I speak of surplus property. I have spoken of surplus property many times on this floor and elsewhere. I have made the statement in this Chamber that the solution of the surplus-property problem lies with this administration and with Congress. I have also made the statement that it is within the bounds of a possibility for the surplus-property problem to create a stench greater than that of the famed Teapot Dome, which also followed shortly after a great world war. Let us talk about surplus property for a moment. What is happening in that respect? Who knows? Is anyone willing to stand up and give evidence of the kind and character of surplus property secrets? What has become of it?

Mr. EASTLAND. Mr. President, does not the Senator from Tennessee believe that veterans are being treated outrageously with regard to the way in which they are being allowed to obtain surplus Government properties?

Mr. STEWART. Yes. I will pay my respects to that subject within a few minutes.

Mr. EASTLAND. They receive what may properly be referred to as a license to go all over the country hunting for surplus property, and to be turned down by one bureaucrat after another.

Mr. STEWART. They do not receive anything. All they receive is a fishing license. They go on fishing expeditions and they do not come back with even a minnow.

Mr. JOHNSTON of South Carolina. Mr. President, how many discharged soldiers has the Senate heard of who have been able even to buy an automobile through the officials handling surplus property?

Mr. STEWART. Not any. I have heard—it is based only on hearsay—that a certain discharged soldier obtained a jeep, which had only three wheels.

Mr. President, I wish to discuss further the subject of surplus property. Approximately 6 months ago I said in this Chamber that there was grave danger that the surplus-property problem would create a stench greater than the stench which was created by the Teapot Dome scandal.

Mr. EASTLAND. Does the Senator from Tennessee believe that the proponents of the pending bill have prevented the Senate from considering legislation designed to rectify the situation to which he has referred, and make it possible for veterans to obtain surplus property?

Mr. STEWART. The Senate has been required to give so much attention to the iniquitous measure now pending before us that the Members of the Senate have had no time in which to give consideration to any other bill.

Mr. EASTLAND. And the responsibility for that situation lies on the shoulders of the sponsors of Senate bill 101, does it not?

Mr. STEWART. Yes; the responsibility rests upon their shoulders. Some of us are fighting because we feel compelled to prevent so far as we can the creation in this country of a bureaucracy such as would be created if the pending bill should become a law. Under the bill the Commission, with its headquarters in Washington, could judge the case of any person against whom it brought charges, for example, a person living in Mississippi, and arrive at a decision in Washington. A representative of the Commission could gather evidence, snoop around an individual's private files, obtain information and perhaps falsify it. Will Senators, and especially the proponents of the bill, tell me that a situation of that kind would not cause trouble? I assert that it would, and because of it some of us are fighting to defend ourselves.

Mr. EASTLAND. As I understand the distinguished Senator from Tennessee, he believes that the passage of Senate bill 101 would destroy American institutions and our system of government.

Mr. STEWART. It would do more than that. It would foment strife and revolution in this country.

Mr. EASTLAND. The Senator knows that it required several years of bloodshed and revolution to set free the American people. Several years of experiment were required under the Articles of Confederation before our forefathers obtained sufficient experience to write the American Constitution. It required months and months for a constitutional convention to devise that great document. Yet here we are in the Senate of the United States, in the year 1946, being asked to destroy our Government and its institutions within a period of a few days. Does not the Senator believe that conditions have arrived at a low ebb in this country when a bill so revolutionary as the pending bill could secure what has been stated to be a majority vote of this body, thus forcing men who love their country and the American Constitution to resort to dilatory tactics in order to defeat it?

Mr. STEWART. I do not know, but in my mind there is no doubt that the group which has been fighting in an attempt to prevent the passage of this bill is rendering to their country a definite service.

Mr. EASTLAND. Does the Senator know that the day this bill was taken up its sponsor the Senator from New Mexico [Mr. CHAVEZ] urged that the bill be passed that day?

Mr. STEWART. But the bill was not passed that day.

Mr. EASTLAND. And that he urged the passage of a bill which would ultimately destroy this country? Does not the Senator believe that other Senators from Southern States are performing a great service to all the people of America by preventing the passage of such an iniquitous, revolutionary, and communistic piece of legislation as is the pending bill?

Mr. STEWART. They are probably saving the country.

Mr. President, let us recur to the question of surplus property. I cannot allow the subject to pass without referring to it. Let us see what has happened to surplus property. Who knows what has happened to it? Does any Senator present know what has happened to it? May we have just little inkling of what has taken place, I do not know anything about it.

Mr. EASTLAND. I know that everybody, except the veterans, is obtaining surplus Government property.

Mr. STEWART. I have not seen any person who has received very much surplus property, and I know that veterans are not receiving any whatever.

Mr. EASTLAND. I know of some business organizations which have received

surplus property. I know of men who have received surplus property who were never in the armed forces. I have not yet seen a veteran who ever received any surplus property.

Mr. STEWART. I do not believe I can cite any person except the one to whom I referred who obtained a three-wheeled jeep. I suppose that jeep is hobbling along as best it can.

Mr. President, I have been interested in the subject of surplus property because of my connection with the original legislation on the subject, and my connection with the Small Business Committee. A year ago I introduced a bill which would provide for a central body to have authority over the matter, and which would require an over-all inventory to be made. I have been concerned with the matter for a long time.

A while ago I asked a Senator what had become of surplus property. Allow me to relate two or three occurrences. I live near Camp Forrest and I was told recently while I was in Tennessee that a surplus-property sale had been advertised at Camp Forrest.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. STEWART. I yield.

Mr. JOHNSTON of South Carolina. I know that the Senator from Tennessee is very much interested in this subject. Every other Senator with whom I have talked seems to be worried about what may happen to Government surplus property.

Mr. STEWART. The dangerous aspect of the situation is that what is to happen has possibly already happened. I do not know.

Mr. JOHNSTON of South Carolina. Many people throughout the country wish to obtain Government surplus property. Much of it is slipping through their hands in one way or another and is going, perhaps, to those whom we did not wish to obtain it. It is time we were spending our time on the problem instead of spending so much of our time on the FEPC bill.

Mr. STEWART. The Senator is entirely correct.

Mr. JOHNSTON of South Carolina. I hold in my hand a resolution adopted by the Senate of South Carolina urging me to do what I can to prevent the passage of the FEPC bill, and even do away with the Executive order creating the present Committee on Fair Employment Practice.

Mr. STEWART. All we can do is stand here and fight, because what good will surplus property do if the FEPC bill shall be enacted?

Mr. JOHNSTON of South Carolina. It will not do a bit of good.

Mr. STEWART. I was about to relate an occurrence having to do with surplus property. I live near Camp Forrest, in Tennessee, which was rather a large camp during the war. I was told just before the holidays that a surplus-property sale was advertised to be held at Camp Forrest. I do not know how many veterans attended the sale. Some estimated the crowd at perhaps three or four hundred. Veterans came from nearby towns; indeed some came from other States.

On arriving at Camp Forrest they were told that the property which had been advertised for sale on the day they attended had already been sold the day before. They were just a day late. They were all veterans, they had the certificates which they thought entitled them to preference; but the surplus property was gone. I have gotten the names of some 50 or 60 of those young men and have written letters to them to ascertain the correctness of the statement I have just repeated. I got the names only recently, and have not had time to get the actual truth about the matter. The story that was given to me was that they held quite an indignation meeting. Someone got up on a box and said, "All you boys come here and let us talk about this. We came here in response to an advertisement that surplus property would be sold, trucks, jeeps, and so forth. It has all been sold already. It was sold yesterday." They could not understand it. That is the way things seem to happen to the veterans and to the small businessman. They arrive either too late or with too little.

I might explain here what I mean by "too little," and in doing so I have but to refer to the story which I told on the floor of the Senate a few weeks ago of a young sailor, whose name I will furnish if necessary, for he has since been discharged from the service. He wanted to purchase a jeep which had been advertised at a place near Washington, as I recall. He was told that he could not purchase just one jeep, because they were selling them in blocks of 30. Of course this youngster did not have enough money to purchase 30 jeeps, but he might have bought one. He was not "too late," but he had "too little."

On the front page of the Washington Post a few days ago there appeared a story involving a captain who had served his country in World War I, and had just been discharged from service in World War II. He lived at Harpers Ferry, W. Va., and his desire was to resume a business in which he had previously been engaged, which required the use of a truck. He had a veteran's preference and made application for the truck late in September or early October, but just before Christmas had not gotten it. In the meantime the captain had been pushed around from pillar to post in the well-known game of hide and seek which the surplus-property experts seem to be playing, until he had worn himself out, and had reached such a point that he was ready to give up in his effort to purchase one truck out of the millions the Government has for sale.

He said that he first went to the Department of Commerce and was referred to eight different individuals before he finally found a man who knew anything about surplus trucks. This man was out of town that day, but an obliging and courteous secretary gave the captain an armful of blanks to fill out. He carried the blanks home with him, and, with the aid of members of his family, attempted to execute them.

The next day he returned to the office of the man who had been absent from his office on the occasion of the first visit, and found him at his desk. The man examined the blanks which had been given the captain the day before, and said, "These blanks are now obsolete; you will have to fill out some others." Patiently, painstakingly, and, shall I say, hopefully, this man, who had served his country in two wars and wanted to serve his country as a small businessman, had to start all over again. The story of how he was treated is positively revolting. I do not know whether he has yet gotten his truck. I have not inquired within the past 30 or 40 days. It is probably a little too early yet for me to make inquiry, but perhaps I shall do so sometime this spring or maybe in the summer. I think, however, I should ask him only for a progress report.

These stories tell things that we hear almost every day about surplus property. Something is happening in this surplus-property situation. I don't know what it is and nobody else knows, but when the time comes to check up and when an investigation is held, I believe there will be uncovered things which will shock the conscience of even the communistic groups which have been pressing their representatives in connection with this FEPC bill.

I have introduced legislation covering the surplus property question. I have sought from the very beginning to have one central control and authority for surplus property, and have the law amended so as to give the small businessman and the veteran an opportunity to be favored, but it has been impossible to accomplish this because the administration apparently has been and is more interested in controversial matters which sow the seed of discord and dissension among Americans of different nationalities.

I repeat, something is happening in the field of surplus property. Maybe speculators are purchasing this property. I believe that small businessmen and veterans are being purposely elbowed out of the picture every time they approach the scene of a sale. I do not know what is happening, but I fear the "sheep are in the meadow and the cows are in the corn."

I have said that the Communists are bethind this move and that the galleries have been filled with them ever since this debate started. At this point I want to read an editorial from the Memphis Commercial Appeal, one of the great newspapers of Tennessee and the South, which refers to this very subject. The editorial is as follows:

When New Mexico's Senator CHAVEZ called up the permanent fair employment practices bill the Senate gallery was filled with some 500 members of a delegation led by a New York Communist. He was Benjamin Davis, Negro Communist member of the New York City Council. The delegation represented 50 Communist-front organizations.

At a Washington rally held in conjunction with the delegation's appearance, Davis was fulsome in praise of all things Communist and caustically critical of all who oppose the effort to cram the FEPC measure down the national throat while the people are caught up in an economic revolution. American Communists are not interested in anything rightfully coming under the classification of fair practices. They are opportunists. Their

chief objective is to create dissension, and an enacted Fair Employment Practice Act would provide a means for spreading dissension. Discussion of the bill provides opportunity to further the same end.

A Communist, as a rule, is a no-good sort of a fellow. He will not work; he is an agitator. Who ever heard of a Communist actually doing a respectable day's work at anything except agitating? They are troublemakers; they go about mouthing, smelling, snooping; and they want everyone to be subservient to their desires and under their control and under the dominion of the ideas with which they undertake to permeate the atmosphere.

I continue reading from the editorial in the Memphis Commercial Appeal:

The pending FEPC bill, if passed, would have the opposite effect to what is intended, and its greatest ill effects would be felt in the very areas represented by its Senate supporters.

Those it is intended to help would be those most grievously injured by its enactment. This is one of the chief reasons why it is being so vigorously opposed by those who are more conscientious in their regard for the well-being of those it is intended to aid than are those who are supporting it. The only interest of a great many of the latter is self-interest in a senatorial election year.

The motive for Communist support and backing is part and parcel of an established pattern of political philosophy; and when any measure gets the quality of Communist support and the amount of Communist agitation for passage as the FEPC bill is getting, it becomes something for every honest American to examine closely.

The representatives of 50 Communist-front organizations who journeyed to Washington in behalf of FEPC have done the American people a great but unintended service. The identifying label they have pinned on that measure couldn't be misunderstood by anyone.

It will be noted that this editorial states that Benjamin Davis, a Negro Communist and a member of the New York City Council, was present with 500 other Communists from New York and that at the rally held in Washington for the benefit of those in attendance Davis praised all things communistic and criticized those who opposed FEPC.

Mr. President, do you want any more proof that this thing is being fostered, sponsored, and supported by Communists? If you do, let me turn to a letter written by a southern Negro and printed in the Newark (N. J.) Evening News under date of November 1, 1945, at a time when another race argument was being bandied about in the headlines throughout the country. This Negro's name is Charlie Lee White, and I read his letter in full:

This continual arguing back and forth about the DAR is so childish it seems to me that the real cause of all the trouble should be put before the people. The Communists in this part of the country have caused so much trouble and disagreement between the races it is about time we got after them and chased them out of the country so that we can plan a peaceful future.

In the first place, the Communists have been working for years to cause not only trouble between the North and the South, but to cause trouble between the races.

The whole organization is based on deceit. They have spurred the Negroes to demand things they sincerely do not want—such as moving into white neighborhoods, demanding entrance into white institutions, even intermarriage. This is not the Negro's idea of equal rights—that is, the intelligent Negro. I am a Negro with a college degree, and I most certainly want my race to have certain privileges, but being an intelligent person I certainly don't approve of the Communist propaganda which has fired the Negro's demands for such privileges to the point where he may marry with the white man.

I came north from Tennessee 14 years ago. My mother worked for a white family and helped raise their children. They paid her a reasonable salary and gave her an ideal home. I worked on this estate for several years before entering a Negro university. To this day I correspond with the family, and only deep devotion remains, though my mother died several years ago, and the entire family—the white family for which she worked—attended her funeral and wept for her.

I invite the attention of the Senator from Mississippi [Mr. EASTLAND] to the letter I am now reading, which is from a Negro who came north from Tennessee and entered a Negro university, because the Senator asked me whether the southern white man was a friend of the colored man.

Is there any such devotion in the East between the white man and his Negro help? There is not. Communism has destroyed all that is fine in these relationships. However, I would never even consider dining at the table with this fine white family, or even entering their church, for I would much rather be with my own people in a place exclusively for them. The Communist has done his best to try to make the less intelligent Negro think differently. He has encouraged him to demand entrance to white hotels, organizations, and I was told of a case where Negro girls entered a white beauty parlor and demanded service.

This makes me ashamed of my race, and no Negro with any intelligence would consider such things or be so impressed with Communist propaganda that he would be led to such actions. If we, as a race, are given good living conditions, a chance to make a decent living, and an opportunity to have our own clean hotels, hospitals with our own Negro staffs and nurses, our own churches and schools where our own teachers might teach, then and then only will we lick communism. Some of my dearest friends in the South are among white people, and I do not expect any Communist-contaminated Negro or white to understand this relationship. I have no enemies among the white men, and I have no desire to enter his institutions—hospitals, schools, etc.—but when that is the only decent place for me to go, what am I to do? There should be money to finance a Negro hospital with a Negro staff, especially when the number of Negroes in that city warrants an institution of their own. My children would be much happier in a school where only Negro children attended, and where only Negro teachers teach. That is all we ask.

That letter, as I stated just before the Senator came into the Chamber, was printed in the Newark (N. J.) Evening News when a race question was being agitated in October 1945. The letter is full of fine common sense and full of wonderful understanding and judgment.

Mr. EASTLAND. Mr. President——

The PRESIDING OFFICER (Mr. MCCLELLAN in the chair). Does the Senator from Tennessee yield to the Senator from Mississippi?

Mr. STEWART. Yes; I yield for a question.

Mr. EASTLAND. I agree with the Senator that the letter is very intelligently written and that what the writer says is correct. But is not the distinguished Senator afraid that he will be branded as a Fascist and a reactionary if he takes a stand here against racial amalgamation and social equality?

Mr. STEWART. I refer again to the letter. I think the intelligent and understanding people of the country agree with the sentiments expressed in the letter, and I believe they are in the majority. Of course, the minorities always make the loudest noise. I remember as a youngster when I was in grammar school a school teacher said, "Always remember that the empty wagon rattles louder as it goes down the road."

No, Mr. President; I have no fear. I do not care what the Communists think about me. What they think about me is not half so bad as what I think about them.

Mr. EASTLAND. Mr. President, will the Senator again yield for a question?

Mr. STEWART. Yes.

Mr. EASTLAND. Does not the distinguished Senator agree with me that we do not believe in the kind of democracy that the Communists and the radical left-wing group preach in this country?

Mr. STEWART. They do not preach democracy.

Mr. EASTLAND. They preach totalitarianism.

Mr. STEWART. They preach absolute Government control of everything. And they will not work. Did the Senator ever see one of them who worked?

Mr. EASTLAND. And here is a bill which is shot through with totalitarianism in every sentence.

Mr. STEWART. That is true. If bullets could be made out of totalitarianism, the bill could be shot at all day and there would be nothing left of it but holes.

The letter I have just read was written by a fine character who, by the way, is from my State of Tennessee. The Senator did not hear me say that. The writer speaks of the affection he has for the white family with which he lived, and how it continued through the years, and that he is still corresponding with them. I believe this letter has in it more genuine sense than any statement I have seen recently. There is no question that the writer is absolutely correct, and having been reared in the South he knows the problems that exist there. He has drawn, in this letter, a picture of the devotion and genuine affection that exists between the better elements of the two races. Each one respects the other and believes in the rights, privileges, duties, and responsibilities of the other.

The expression "equal rights" has been bandied about for many years. It has been talked of on many different occasions; occasions other than when race problems were being considered. People have been told throughout the land that they have a right to do this and they have the right to do the other and so on until many have been led to believe that they are not being given any rights of

any kind or character. That is the Communist method—"Demand your rights." But little thought is being given to the duties and responsibilities which citizens owe to the community in which they live; little thought is given to the duties and responsibilities owed to the Government which has protected us during the years. Little thought is being given to the duties to Government because people are constantly being told by political and communistic agents that they have rights! rights! rights! Have people become blind to their responsibilities toward their Government? But out of it all we have the letter from a colored man who recognizes his duties and responsibilities and who knows what the word "rights" means in a democracy.

I was surprised and disappointed that President Truman saw fit to recommend to the Congress in such strong terms the passage of this bill which, as I have repeatedly said, can do nothing but bring trouble to the American people. I was disappointed because there are so many other important matters to which we should be giving thought now. I was disappointed because I fear he is playing politics with a delicate matter of human rights and duties, a matter which involves complicated problems in a democracy of human relationship and association of different races which are now struggling to find a solution.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. STEWART. I yield.

Mr. EASTLAND. Does not the Senator think the Senate ought to be considering legislation for the welfare of the American people as a whole rather than a bill which caters to and throws out some bait to this organized minority and that organized minority in order to get some votes here and get some votes there?

Mr. STEWART. There is no doubt in the world that if we are to survive we must consider and act upon legislation to promote the welfare of the American people as a whole.

Mr. EASTLAND. We are now here catering to minorities as against the welfare of most of the people of this country?

Mr. STEWART. Somebody is doing that, precisely. I am not catering to them.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. STEWART. I yield for a question.

Mr. OVERTON. I know that the able junior Senator from Tennessee is a Democrat. I assume, without making any inquiry at all, that all the Stewarts of Tennessee related to the able Senator are Democrats.

I am a Democrat, born and bred as such. My father before me was a Democrat, and all the Overtons who originally came from Tennessee are Democrats.

Mr. STEWART. I am happy to say that I know of them, and if the Senator needs it vouched for at any time he can call on me and I shall do my very best for him.

Mr. OVERTON. I am sure the Senator can vouch for their democracy.

Mr. STEWART. That is correct.

Mr. OVERTON. My father was a Democrat during the dark days of reconstruction and of carpetbagism, when to be a Democrat it was necessary for a man to sleep with a shotgun at the head of his bed. We know what democracy is in the rock-ribbed democracy of the South. I ask the able Senator from Tennessee, Is it not passing strange that during the past few years of a Democratic administration, which is largely, if not exclusively dependent for its success at the polls upon the electoral vote obtained from the Southern States there have been brought to the fore in the Senate bills which are so obnoxious to southern democracy? They have been brought before the Senate with the approval of the administration in power, and with the vote of committees the majority of the membership of which is Democratic. Is it not true that there was first launched against us the anti-lynching bill, which had absolutely no justification because it involved a matter of State regulation and control, as does any other case of homicide? It had no justification because the Southern States have practically solved the problem of lynching. There has been only one in the past year, and I think the previous year there were none at all. I am not sure of that, however.

Then a Democratic administration, with the approval of a committee headed by Democrats, brought out the anti-poll-tax bill, which is obnoxious to the South. None of those bills has received congressional sanction. Thank heaven for that. That fact has been due, however, to the strong and sturdy opposition of southern democracy.

Mr. EASTLAND. That is the real democracy.

Mr. OVERTON. Is it not a fact that this bill, apparently aimed at the South, is now being brought out with the blessing of a Democratic administration, sponsored by a Democratic Senator, among others, and reported by a majority vote of a committee composed largely of Democrats? How long will the National Democratic Party continue to bite the hand that feeds it? That is the question which I wish to ask the Senator.

Mr. STEWART. Mr. President, I thank the very distinguished Senator from Louisiana for the contribution which he has made. He always makes a valuable contribution. His observations are quite pertinent.

Mr. EASTLAND. Mr. President, I should like to answer the question of the distinguished Senator from Louisiana. He asked the Senator from Tennessee a question which I should like to answer.

Mr. STEWART. Let me proceed for a moment, and then I shall be glad to yield. The answer appears on the page which I hold in my hand, and the succeeding page.

I am sure that the thing which inspired the observation and question of the Senator from Louisiana was the statement which I made, that I was deeply grieved and disappointed that President Truman saw fit at this time to suggest the passage of this FEPC bill, at a time when we are undertaking to pull ourselves out, so to speak, from the mud, the muck, and the mire in which we have been buried for the past 3 or 4 years during the war. Nearly always following war there is a period of unrest and hysteria, a period when we grope about to find out what the changes which war hath wrought mean. Here we are in the midst of it, when we should be giving consideration to the measures to which I have referred by the dozen—measures looking toward bringing boys home from the Army; measures dealing with surplus property, so that veterans may obtain it, and many others. We are groping about trying to find our way through reconversion. During such a time the President saw fit to send a message to the Congress demanding that attention be given to one of the most contemptible and controversial measures that has ever been brought before this body, one that would send snoopers and investigators to the far corners of this country, one under which a defendant, even though he might live in California, would be tried in Washington before a prejudiced board in a prejudged case. I am sick and tired of such controversial measures.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. STEWART. I yield.

Mr. EASTLAND. Has the Senator read the judicial code of the Soviet Union?

Mr. STEWART. No; I have been busy with other things.

Mr. EASTLAND. The similarity between the procedure set forth in Senate bill 101 and the procedure established for courts in the Soviet Union is uncanny. If the Senator will indulge me for making this reference at this time, I intend to speak on that point before this debate is concluded.

Mr. STEWART. Recurring to the question of this matter being recommended at such an unfortunate time by our President, I wonder who, besides Communists, has insisted to President Truman that this measure be considered at such a touchy time as this? I have said that it is politics, pure and simple, and I think that is what it amounts to. I wonder if the chairman of the Democratic National Committee, Mr. Hannegan, who is presumed to advise with his chief on political questions, advised President Truman that he thought this FEPC bill was politically expedient at this hour. Is that where it came from? I know it came from the Communists. We have been smelling them around here for 3 weeks.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. STEWART. I yield.

Mr. OVERTON. The Senator does not have to eat a whole beef to tell whether or not it is tainted.

Mr. STEWART. No, thank God. Therefore, a man sometimes has a chance to survive.

I wonder if the chairman of the National Democratic Party, when he advised—if he did—that this political measure be brought up, knew or gave any thought to what it would do to the South, and if he thought of the South,

which has been traditionally Democratic. I wonder if Mr. Hannegan and Mr. Truman carefully weighed the consequences of this iniquitous piece of legislation throughout the entire country. I wonder if the judgment of Mr. Hannegan, when he advised the President—if he did; and I presume he did, because he is supposed to advise him on political matters—was as good as it was when he advised his friend Dickman to run for mayor of St. Louis, only to see him go down in overwhelming defeat. I wonder if his judgment here is as good as it was in connection with the matter referred to by the Senator from Missouri [Mr. DONNELL] in the speech he made in this Chamber on May 7, 1945, when he placed in the RECORD numerous newspaper articles charging that this same Mr. Hannegan had advised against seating the then newly-elected Governor DONNELL. I wonder if his judgment was as good then, when he was defeated, as it is now. I am talking about his political judgment.

I wonder why Chairman Hannegan has forgotten to remember that his responsibility as Democratic National Chairman requires him to take into consideration vital problems of the South as well as other sections of the country. I am wondering whether Chairman Hannegan has fallen for the talk that went the rounds following the last election of President Roosevelt, to the effect that he had been elected without the vote of the South. I am wondering if Messrs. Hannegan and Truman are playing for the votes of other States of the Union to the exclusion of the South in the hope that President Truman will be nominated in 1948 without southern aid; and I am wondering also, since I have said this is a piece of political legislation, whether they do not have in mind that after President Truman receives the nomination without the aid of the South, the so-called yellow-dog Democrat of the South will be expected to support the then nominated President in the general election of 1948. Ah! how long-suffering southern Democrats have been.

Does that answer the Senator's question?

Mr. OVERTON. Very largely; and I thank the Senator.

Mr. STEWART. I say that this bill should be defeated on its merits alone, as a piece of political legislation. So far as I am concerned, I intend to keep my eye on Chairman Hannegan from now on, for this and other reasons.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. STEWART. I yield.

Mr. OVERTON. The Senator has very correctly made the observation that this is a political measure. It is intended to get votes for the national administration now in power. At least there is no doubt about that in my mind. I do not think there is any doubt about it in the mind of anyone, whether he be a Democrat or a Republican, if he has given any thought to the origin of this measure and its daddy and granddaddy, the anti-poll-tax bill and the antilynching bill. I ask the Senator if he does not agree with me that the purpose is very largely to enable the national Democratic administration to hold within its ranks Negro votes from pivotal States, and probably add to the number of Negro votes from such States.

Mr. President, I feel very friendly toward the Negro. I believe that all of us in Louisiana feel friendly toward him. We have no trouble with the Negro, politically or otherwise. So far as Louisiana is concerned, very few of them vote. They are perfectly well satisfied with the government of Louisiana, as it is being conducted today.

But, Mr. President, the question I wish to ask the Senator is whether the National Democratic Party realizes that ultimately the Negro is going to come to the conclusion that his permanent friend, his steady friend, his fast and certain friend is, not the Democratic Party, but the Republican Party? Is not the Negro going to come to the conclusion that out of a sense of gratitude he owes fealty to the Republican Party? Was it not the great emancipator, Abraham Lincoln, who broke the shackles from the Negro's wrists and gave him freedom? Was it not the Republican Party which placed in our Constitution the fifteenth amendment, giving the Negro the right of suffrage? Was it not the Republican Party that, following the War Between the States, undertook to place and did place the Negro in political power in the Southern States? Is the Negro going to forget his obligation to the party which made his race free, which gave it political power, and which gave it political prestige? Is he going to go astray and worship after false idols and false gods? Is he going to surrender the birthright and heritage of his race, politically, for a mess of pottage which might be thrown out by the present national Democratic administration?

As a Democrat whose forebears have been Democrats and whose democracy cannot be impunged, I wish to say that it would be infinitely better for the Negro to adhere to the Republican Party, rather than to the Democratic Party.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. STEWART. I yield for a question, but I do not wish to lose the floor.

Mr. CAPEHART. I understand, and my request is made with that in mind.

Mr. President, are we to understand from the able Senator from Louisiana that the Democratic Party does not wish to have the vote of the Negro?

Mr. OVERTON. So far as the southern Democrats are concerned, I can say "Yes"—unquestionably so, so far as the great majority of southern Democrats are concerned. We do not want the Negroes in the party. They do not belong in the Democratic Party.

Mr. EASTLAND and Mr. CHAVEZ addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Tennessee yield; and if so, to whom?

Mr. STEWART. The Senator from Indiana has not completed his question, I believe.

Mr. CAPEHART. Mr. President, I wish to say that I see no connection between wanting the vote of the Negroes and the question before the Senate at the moment. Let me say that we in the Republican Party want the votes of the Negroes of America because they are Americans.

Mr. OVERTON. You want them because they are votes. That is why you want them, and that is the only reason.

Mr. CHAVEZ. Mr. President——

Mr. STEWART. I yield to the Senator from New Mexico.

Mr. CHAVEZ. There is no question in my mind that some politics are involved. I have no question as to that.

Mr. OVERTON. Certainly.

Mr. CHAVEZ. And that is true as to both sides, too, I state to the Senator from Louisiana. Some Senators may now be in their home States, campaigning on the basis of this debate.

But would the Senator from Louisiana and the Senator from Tennessee go so far as to say that even in the Northern States if a voter happens to be of the colored race he should not be allowed to vote for a Democrat who happens to be a candidate for the Senate?

Mr. STEWART. I did not understand the Senator from Louisiana to say that the Negroes should not be allowed to vote.

Mr. CHAVEZ. Very well. If the Negro did not vote the Democratic ticket in Ohio, Illinois, Indiana, Pennsylvania, and other States, what the Senator from Louisiana has stated might be correct, namely, that some other persons might be elected. But we want the Negroes to vote the Democratic ticket in Indiana and in all the other States, so that we may be able to have a majority of the Senate on this side of the aisle and be able to reelect the Senator from Tennessee as President pro tempore of the Senate. I do not want the Senator from Ohio, a Republican, much as I love him, to be President pro tempore of the Senate. I want the Senator from Tennessee to be chairman of the Committee on Appropriations. I am satisfied with the Senator from Texas [Mr. CONNALLY] as chairman of the Committee on Foreign Relations. But how are we going to obtain a Democratic majority in the Senate and have the Senators who now hold them retain their chairmanships unless we get the votes of the Democrats in the North?

Mr. OVERTON. The Senator means to say "unless we get the Negro vote."

Mr. CHAVEZ. Very well; unless we get the Negro vote.

Mr. OVERTON. So we are indebted for these chairmanships to the Negro votes from the North, and that is the reason why this bill is here. Let us be perfectly frank about it. If it were not for the political issue involved, this bill would not be on the floor of the Senate of the United States.

Mr. CHAVEZ. Mr. President, the Senator from Louisiana knows that I am devoted to him and have great affection for him.

Mr. OVERTON. I know that, and the feeling is mutual.

Mr. CHAVEZ. I tell the Senator again that I am for this bill because I honestly believe in fair play for everyone. That is the way I feel about the matter. I am not questioning the motives or integrity or sincerity of purpose of anyone who may oppose the bill, but I believe in the bill because I believe it will apply

to all; I believe that opportunity should be afforded to all; I believe there should be equality of opportunity for all persons. The Negro is only an incidental consideration in connection with the bill. In the South there has never been any trouble, and there was no trouble during the war.

Mr. STEWART. But we will have trouble if this bill is passed.

Mr. CHAVEZ. Oh, no; that is merely politics on the part of Tennessee. We can also be accused of playing politics.

But, Mr. President, suppose politics is involved, and suppose we Democrats do not work for liberal rule, for equality of opportunity for others. Then I would not blame the Negro for going back to the party of his fathers. If a few Senators can keep the majority of the Senate from expressing its opinion one way or the other, then I do not blame the Negro for being resentful. Then he would say, "Mr. Senator, we elected you for this particular seat in the Senate and we know that you are for us, but you cannot do anything about it. Eighteen or nineteen other Senators can keep you from voting. So we are going to go back to the party of our fathers."

That is what would happen, and I would not blame the Democratic National Committee chairman if he did something about it. I wish he would. I have been complaining because he has not done anything about it. The Senator from Tennessee complains because he is supposed to have something to do with it. I have not heard from him. I wish I would. I think it would be in the interest of the political job he is now holding.

Mr. STEWART. I have not complained about political votes, if the Senator has been directing his remarks to me. The Senator was addressing the Senator from Louisiana upon that point. Of course, this bill does not affect the right of suffrage of anyone. It affects the matter of employment, or is supposed to. So far as the Negro vote is concerned, Negroes vote in most parts of the State of Tennessee.

Mr. CHAVEZ. Personally, I hope they vote the Democratic ticket in Tennessee.

Mr. STEWART. I wish to say to the Senator from New Mexico, the Senator from Louisiana, and all other Senators that, as they remember, the Negro voter left the Republican Party when he became hungry under a man named Hoover. That would drive anyone out of a party.

FIRST SUPPLEMENTAL SURPLUS APPROPRIATION RESCISSION ACT, 1946—REPORT OF APPROPRIATIONS COMMITTEE

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. STEWART. I yield to my colleague.

Mr. McKELLAR. From the Committee on Appropriations, I beg leave to report House bill 5158, an act reducing certain appropriations and contract authorizations available for the fiscal year 1946, and for other purposes, and I submit a report (No. 919) thereon, which is attached to it.

The PRESIDING OFFICER. Without objection, the report will be received and the bill will be placed on the calendar.

Mr. WHERRY. Mr. President, will the Senator yield for a question?

Mr. McKELLAR. I will if I may have permission to do so.

Mr. STEWART. Mr. President, I am willing to yield to the Senator from Nebraska, but I do not wish to lose the floor.

Mr. WHERRY. I agree as to that. I simply would like to have the senior Senator from Tennessee tell us again what the bill is.

Mr. McKELLAR. It is the bill which we passed, but which was vetoed on account of the United States Employment Service item. Elimination of that item was made, and the bill has passed the House of Representatives and is now on the Senate Calendar.

Mr. WHERRY. Is it the so-called rescission bill in respect to $55,000,000,000 or $56,000,000,000 worth of contracts which are to be terminated?

Mr. McKELLAR. That is correct.

Mr. WHERRY. Does not the bill involve contracts of that amount?

Mr. McKELLAR. The amount involved is in that neighborhood. I believe it is a little less than the Senator from Nebraska has stated.

Mr. WHERRY. The bill has now been reported and will be placed on the calendar; is that correct?

Mr. McKELLAR. Yes.

APPEAL FROM DECISION OF THE CHAIR ON CLOTURE MOTION

The Senate resumed consideration of the appeal of Mr. BARKLEY from the decision of the Chair sustaining the point of order of Mr. RUSSELL that, under the rule, the presentation of the cloture motion on the FEPC bill was not in order.

Mr. MEAD. Mr. President, will the Senator yield to me?

Mr. STEWART. I yield for a question.

Mr. MEAD. I was very much interested, a few moments ago, when the historical political affiliation of the Negro was brought into the discussion and it was pointed out that the Negro's loyalty to the Great Emancipator would, no doubt, have a fixed determination or effect on his political support and affiliation. The Negro, like everyone else, has a lasting admiration for the Great Emancipator. He has made his place in the history of this country and the history of the world secure for all time to come.

But the Senator touched the real situation which affects the Negro when he mentioned the Hoover administration. The Negro when he votes is not going to have in mind only the splendid administration of the Great Emancipator. It would be a reflection on his intellect if, for all time to come, regardless of his well-being, he were to vote only the ticket of the Republican Party. In New York, as the Senator well knows, the Negro supported the successive administrations of Franklin Delano Roosevelt because he realized that in his day President Roosevelt had the well-being of the Negro at heart, just as did Lincoln when he was alive. In our State we welcome the Negro into the Democratic Party just as we welcome anyone else. I may say to my distinguished colleague that in the other House the man who represents the district in New York which is composed largely of colored people, is a Democrat, and a colored man. In the State Legislature of New York the majority of representatives who were elected in the district to which I have referred are and have been Democrats and colored men.

The colored man of today, recognizing the fact that the Democratic Party is the great liberal force of America, the party which is more interested in the well-being of the working class than is any other party, supports, as a usual thing, the Democratic candidates. The Democratic Party is deeply concerned in legislation of the character of that proposed by the pending bill, because it is vitally interested in winning elections so that it may be enabled to make effective its liberal program. Naturally, the chairman of the Democratic National Committee, who has the task of seeing that victory comes to the Democratic Party, and afterward seeing that the pledges and platform of the Democratic Party are lived up to, is found on the side of all of us who are supporting the pending bill. The Negro of today, just as the Negro of the Civil War period, intellectually and effectively supports his friends. He recognizes that in the voice of the Democratic Party, the party of Franklin D. Roosevelt, he has a friend.

Mr. President, the Negroes of this country have accomplished a great deal under the benign influence of the Democratic Party and of Franklin Delano Roosevelt. I am sure that I speak in behalf of my party, and in behalf of the chairman of the Democratic National Committee, when I say that we welcome the Negro vote. We hope the Negro will always remain with us and that we shall continue to give him reason to remain with us.

Mr. EASTLAND. Mr. President, let me ask what could the Negro in the North obtain? A Democratic President is elected, and yet the party machinery, and the most important committees, are controlled by persons who are pictured in the public press as Fascists, arch-reactionaries, and southern Democrats who are opposed to all progressive measures. What do the Negroes receive after the election of a Democratic President, when the very measures which they advocated and for which, indirectly, they voted, are defeated by those of us who are called Fascists in the United States Senate? I do not see what the Negro gains by marching along with the Democratic Party.

Mr. STEWART. Mr. President, although the colloquy which has taken place, and in which several Members of the Senate engaged, has been interesting, I wish to return to the point where I left off and proceed with my remarks.

I have always exercised complete tolerance with respect to all people, be they black, white, yellow, or red. I have always exercised complete tolerance with regard to the subject of religion. I believe sincerely that the exercise of tolerance is highly essential in connection

with matters which involve various races of people, and various kinds and types of religion which are adhered to by the citizenship of this great democracy. I would not take from the white man or the black man any right which he may have of any kind or character, including the right to vote.

When I was interrupted I had made the statement that I thought it was extremely unfortunate that our President and the chairman of the Democratic National Committee had seen fit to permit a recommendation to come to this body calling for the passage of such an unjustifiable and controversial bill as the one now pending. What has just now taken place on this floor demonstrates exactly what I mean. The bill to which I have referred is controversial, and if it is enacted into law it will cause far-reaching consequences. It will cause more trouble than any law which has been written upon the statute books within the past century. I make that statement without knowing, of course, all the laws which have been written upon the statute books within the past 100 years. But, Mr. President, there could not be a more vicious or uncalled-for piece of legislation than is Senate bill 101.

I criticized the chairman of the Democratic National Committee, and the President of the United States for sponsoring such a controversial bill. I made such criticism because there are more serious national and international problems confronting us than are the problem or problems which are involved in the pending bill. Yet, we are forced to stand here week after week and mess around with a little picayune bill that would cause nothing but strife. I do not oppose any man merely because of his race, creed, color, and national origin, or his present location.

I want everyone who lives in this country, if he is a citizen, to have the rights guaranteed to him by the Constitution that was adopted at the beginning of this Government. I propose, as one who has taken an oath to defend the Constitution, to stand up by that obligation.

I was criticizing our two leaders, the President of the United States, and the chairman of our national committee, for recommending at this time that this controversial thing be brought up before the Senate, not only at a time when we should be considering other matters, but because it proposes legislation which is unnecessary. No one is being deprived of employment because of his color, I care not what the hearings show. They were not complete hearings, according to statements made on this floor a few days ago. I repeat that not one-tenth of 1 percent of the population have been discriminated against in industry or anywhere else in this land of ours. No one has been discriminated against because he was a Protestant or a Catholic, because he was white or black, because he was a Jew or a gentile. I challenge the contrary as absolutely untrue, and that situation makes unnecessary this contemptible bill, which would, if enacted, result in nothing short of Communistic control of this country.

Mr. President, I wish to continue my comment about Mr. Hannegan. I have said I was going to keep my eye on him. Mr. Hannegan is doing his party and his country and all the different races a very definite disservice by advising his chief, if he did so—and I assume he did—that the bill before us is good politics. Politics it is. It is nothing but politics, and, as has been pointed out, it is purely and simply a play for minority group votes in this country. For the Negro votes? I may be asked. Yes, and for others. That is purely what it is.

Mr. President, the bill has no place upon our calendar. There is no need for such a law in this country. As I have already said, this Nation is now in the very midst of a superhuman effort to emerge from the chaos and the disorder and the uncertainties which war has brought upon us.

I think an editorial from the Memphis Commercial Appeal of Wednesday, January 23, this year, expresses the feelings of the people and the opinions of the thinking and non-political-minded people of this country. It reads:

> Four months ago this Nation and its people completed the most superlative productive and combat undertakings recorded in the history of man.
>
> The Nation is the same. The people are the same. It is the spirit which has gone sour. It is unity which has been lost. It is the achieving rule of give-and-take on fair basis which has been thrust aside. Selfishness is rampant and economic tragedy threatens where there could be propserity.
>
> The dead of the wars are still being taken daily from isolated graves to 37 well-filled American cemeteries in faraway lands. That will go on until the kindly sun of June warms the earth in which they lie.
>
> In which they lie—for this?
>
> This—this turmoil, this obstruction, this chaos, this dalliance.
>
> This confession of failure.
>
> This great national obscenity.

Again I quote from the January 18 edition of the same newspaper, the Memphis Commercial Appeal, one of the greatest newspapers in the country:

> Actually, the FEPC move is opportunism of the most sordid type, and those responsible for it err if they think that it won't be recognized in its true light. If strike-control legislation is held up by a business-delaying opposition to FEPC, it isn't going to be the opposition which much bear the blame.

Now I ask, Is the judgment of President Truman good when he sends a message to Congress and asks us to pass a contemptible, controversial piece of legislation? I ask, Is the judgment of Chairman Hannegan and President Truman good, forcing at this time the consideration on the part of the United States Senate of an utterly needless and trouble-making measure which accomplishes nothing except to make man hate man, a measure for which there is utterly no need and has never been any need? I wonder if this might be looked upon as another sort of Missouri Compromise.

Just the other day the House of Representatives of the National Congress passed again the bill which places the USES in the hands of the States; they did this in the face of the President's recent holiday pocket veto, and we are told that amid the voting, which was at a ratio of two to one, the cries of States' rights could be heard all over the House. I think that shows the temper of the people. They are becoming not merely tired, but sick and tired of Federal dominion and control; of bureaucracy; of snoopers and smellers and tale-tellers, and thank God for it. That is one of the healthiest signs I have seen in recent years, together with the loud cries of States' rights from the mouths of both Democrats and Republicans who joined together to defeat another Federal invasion. I wonder if Chairman Hannegan is advising his chief on the USES legislation so as to prevent the States exercising control and so as to create still another Federal bureau which might send a lot of snoopers abroad in the land, who would come like a pestilence of grasshoppers in Kansas in midsummer.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. STEWART. I yield for a question.

Mr. JOHNSTON of South Carolina. I believe that at the present time in the United States we are trying to keep Communists out as much as possible. If this bill should be enacted, how could we keep them out of our State Department?

Mr. STEWART. They are already there, or at least there are some there. We would have to put out some poison, perhaps.

Mr. JOHNSTON of South Carolina. We could fire one on the ground he was a Communist, under this bill, could we not?

Mr. STEWART. We could not do that under this or any other bill—not a Communist.

Mr. JOHNSTON of South Carolina. Why not?

Mr. STEWART. Because they are too strongly entrenched, apparently.

Mr. JOHNSTON of South Carolina. Does the Senator mean to tell me that the United States is a communistic Nation?

Mr. STEWART. We have them everywhere, apparently. There were 500 of them in the Senate galleries a few days ago. How did we get them out? I do not know how many there are here today.

Mr. JOHNSTON of South Carolina. God pity America, then.

Mr. STEWART. Mr. President, oddly enough, about the same day that democracy won a real victory in the House of Representatives the Supreme Court, just across the park from the Capitol, announced that they would review the so-called Jim Crow laws which have so long been settled by decisions of other courts. I am wondering whether this Court is contemplating entering the legislative field again and whether this announcement, coming as it does at this time, is indicative of anything in particular.

The other day I received a letter and resolution from the chamber of commerce of Dyersburg, Tenn. This letter was signed by numerous individuals. Dyersburg is a thriving, progressive, and modern city in western Tennessee. The people there are deeply concerned about the trends of Government. I quote in

part from this eloquently expressed letter:

We are worried and disturbed concerning mounting trends of Government control and restrictions which has placed business in a strait-jacket. We are proud of the United States, and the real progress that has been made in the past, which has resulted in our being the wealthiest, most progressive nation in the world. We remember that this country, with not quite 7 percent of the population of the world, has created and owns more than half of the world's wealth. We know that the United States has a standard of living that consumes one-half of the world's coffee, one-third of its tea, and 60 percent of all its minerals. We know that this country has manufactured 92 percent of all of the automobiles in the world, and kept 90 percent of them at home to travel on the most elaborate and extensive hard-surface-highway system in the world. In short, the people of the United States has, in approximately 150 years been able to create three times as much wealth as the whole world had been able to create prior to 1776, and has provided our citizenship with the highest living standards in the world. This marvelous progress has not been brought about by an all-powerful government. It is a matter of history that, no political agency since the world began, has created and developed a single wealth-producing enterprise that makes for the continuous employment of men.

The progress of the United States has been possible because up until the present the Government has been the servant of the people, and the cost of government was kept at a figure that allowed a large portion of the wealth of this country to be used in research and job-producing enterprises.

The old truism uttered first by Thomas Jefferson, "That the least governed are the best governed," has been amply proved by our economic progress in the past.

There is in Washington today, a group of politicians who feel that regulation and control by a powerful central government is necessary in order to maintain our living standards. The efforts of this group to pass the Fair Employment Practice Commission bill, is an example of this zeal for governmental control. We believe they are far more interested in the power and control over business which this bill would provide, than the possible benefit it could be to persons who might be infringed on because of race, religion, or politics. Should FEPC become a law, it would mean just another step in the Government's continuing policy of rigid control of business.

Mr. President, I have read this letter to show the trend of the times, and the feeling of the people in my section of the country. These people are absolutely right in their conclusions that should FEPC be adopted as a part of the law of the land it would, in addition to all its other vices, be just another step in the Government policy of continuing rigid control of business.

To give to the Senate another southern viewpoint I quote from Mr. Thurman Sensing in his weekly release entitled "Down South," a statement entitled "The South and the FEPC." Mr. Thurman Sensing is director of research for the Southern States Industrial Council. He is a man whose judgment is good and his brief analysis of this pernicious legislation is quite accurate and timely:

While the establishment of a so-called Fair Employment Practices Commission is a national question and once established would affect all the people of the Nation, it is an issue that is more closely tied in with the South than with any other region. That this statement is true is quickly recognized when it is realized that were it not for the South the measure would have been saddled on the country long before now, and were it not for the South there would now be no opposition to the bill upon the floor of the Senate.

There are, of course, a scattered few in the South itself—unrealistic dreamers, or ill-advised reformers, or citizens well intentioned but uninformed as to the dangerous implications of the measure, or even a sprinkling of traitors to the American form of government—who are seeking the establishment of a permanent FEPC. However, these represent only a small percentage of the people of the South and it is the overwhelming sentiment of the South to abolish the FEPC and everything for which it stands. This could easily be proven by a poll of the people or by a vote of the people. Such a measure would never be established in any single Southern State.

It is, therefore, in accordance with representative democratic government that the Senators from the South should defend the principles of the South and represent the people of the South by opposing passage of the bill. Being in the minority in the Senate, they find it necessary to oppose the measure by any means at their command and by methods with which minorities must sometimes be protected.

And it should not be forgotten that the majority is not always right. Cases too numerous to mention can be taken from history to prove this statement. This was recognized by the founders of our Government when they set up a form of constitutional democracy that protected the rights of individuals and minorities.

The southern Senators being in the minority are, therefore, finding it necessary to filibuster against this bill. And now the proponents of the measure are attempting to draw attention away from the issue of the FEPC by venting their wrath against the filibuster itself, by stating it is contrary to the desires of the people, and by claiming that such action represents a threat to democratic government in this country.

As a matter of fact, a much better question which should be raised at this point is whether a great region representing one-third the people of the Nation should have thrust down their throats in the name of democracy a measure to which they are almost solidly opposed.

The provisions of the proposed permanent FEPC have been discussed thoroughly many times before. Suffice it to say here that the whole measure is contrary to the principles on which this Government was founded, and is certainly antagonistic to the beliefs which the people of the South cherish.

One of these beliefs, for instance, is States' rights. The people of the South do not object to any State having its own FEPC, if the people of that State desire it. But are its proponents willing to let each State make its own decision? They are not. No, the octopus of communism and bureaucracy and centralized control is not content unless it can spread its tentacles to every nook and cranny of the Nation. The proponents of this philosophy of government know they are not safe so long as there is any region of the Nation whose people will live by the principles of individual freedom, and by the principles of constitutional democracy on which this Nation has grown strong and prospered.

For these reasons, the South is aware of a great debt of gratitude to her representatives in the Senate of the United States. Moreover, once realizing the gravity of the issues involved, it is certain that the people of this whole Nation will some day awaken to the fact that they, too, are eternally beholden to this courageous band of defenders of the American way of life.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. STEWART. I yield.

Mr. MAYBANK. As I understand, the writer of the letter suggests that if a vote were to be taken on FEPC in any of the Southern States it would be defeated.

Mr. STEWART. There is a strong majority against FEPC in every State in the South.

Mr. MAYBANK. Does the Senator believe that if the question were left for the people of the States in the West or in the East to vote on, a majority of the people would vote for it?

Mr. STEWART. I cannot see why. My answer ought to be "No." My information is that of 20 States—including not a single Southern State—which have had before their legislatures bills of this type, or FEPC bills of some type, only 2 States have enacted such legislation. The other 18 States have defeated it.

Mr. MAYBANK. Therefore the Senator would conclude that the people of those States would likewise vote against such a bill as is now before the Senate, would he not?

Mr. STEWART. Undoubtedly that must be true. Recently a Gallup poll definitely showed that the country as a whole was opposed to the FEPC. The poll was referred to by the Senator from Georgia [Mr. RUSSELL] the other day.

Mr. MAYBANK. I thank the Senator for mentioning the Gallup poll and referring to the other States.

Mr. STEWART. Mr. President, I wish to conclude. Let me say in conclusion that I do not believe that the President of the United States has been correctly advised about this matter. I do not believe that he has given thought to the terrible repercussions which such a law would bring throughout the entire country.

It is a rather terrible thing to reflect, for example, that an ordinary farmer, if I may use him for illustration, who hires as many as six persons could be forced by a board sitting in judgment a thousand miles away to employ persons on his farm whom he did not wish to employ. To that end he would be investigated by a representative of the board, who in all probability would be chosen chiefly because of his malice and hatred toward other people, or because of his influence with a political organization which no doubt would be in close contact with the Communists of this country. I might add that the only hope the farmer would have to be free from such interference on the part of busybodies and reformers would probably lie in the fact that people employed on the farm must work. The Communists never work. All they do is agitate. They never produce. They tear down and destroy. They are anxious only to cause trouble, strife, and discord, and force regulation upon the business of all other people.

Frankly, I wish that the President of the United States and Chairman Hannegan would reconsider this legislation and request that it be withdrawn from consideration before the Senate, in a special message which might be sent here by

the President, because of the exigencies of the time.

For the reasons which I have repeatedly stated during this discourse, I believe it is extremely unfortunate that we must spend our time on a picayune piece of legislation when the country is suffering and crying for the solution of many serious postwar problems.

THE MISSOURI VALLEY AUTHORITY—EDITORIAL FROM THE OMAHA EVENING WORLD-HERALD

Mr. BUTLER. Mr. President, I ask unanimous consent that there may appear in the body of the RECORD an editorial taken from the Omaha Evening World-Herald of January 14, last, relating to the Missouri River Valley Authority.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A TALE OF TWO RIVERS

This is the story of two rivers.

One is the Missouri, which flows past Omaha's back door. Which sometimes, at flood stage, flows into Omaha's back door.

The Missouri, as readers of this newspaper will recall, was a lively issue in Congress last month.

Representatives of the valley demanded that funds for flood control be provided in the deficiency appropriation bill then pending. Other interests opposed them. The controversy raged back and forth, from the floor of the House to the floor of the Senate to conference committee rooms and back to the floors again.

As eventually passed the bill provided some $7,000,000 for the control of floods in the Missouri Valley. Not much, in view of the magnitude of the job, but valley people cheered anyhow. After long experience with Congress they are grateful for crumbs.

Now the Army engineers are preparing to spend a half-million at Omaha, another half-million at Council Bluffs, two million at Kansas City, varying amounts elsewhere. That will be a bare beginning.

Now turn to the other river of this tale—the Yellow River of China.

Eight years ago—long before the United States entered the Asiatic war—the Chinese cut the dikes of this river near Kaifeng, in order to halt the advance of the Japanese Army.

They stopped the Japanese, sure enough, but the Yellow went berserk. It poured through the 2-mile breach in the dikes and cut a new channel to the sea.

The Yellow has been doing that same sort of thing for centuries. The plains of its broad valley are scarred with old channels which the outlaw river has tried and finally abandoned.

But this time someone proposes to do something about it. And that someone, naturally, is UNRRA.

UNRRA, the world-wide relief agency which is financed mainly with American dollars.

According to the Associated Press, it proposes to spend $50,000,000 to put the Yellow back in its 1938 channel.

And this gallant rushing to the rescue of a Chinese river will require no act of Congress, probably will occasion not even a ripple of debate in Washington. For UNRRA's millions and billions are appropriated as lump sums, and the bureaucrats—our own and other nations'—decide how they shall be spent.

It should be emphasized that this is not a war obligation.

The Chinese cut the dikes when they were engaged in a private war with Japan. America was not then their ally, had nothing to do with the case. China did it, in China's own interests.

Perhaps the Yellow should be put back in its former course. At least there is no need to argue the point. The only question so far as Americans are concerned is whether it is a proper job for UNRRA and its American dollars, or whether it should be done by the sovereign government of Chiang Kai-shek.

The global spenders will retort, of course, that China can't do it because China is broke.

Well, confidentially, so is the United States.

Financially speaking it is broker than China ever dreamed of being. Its debt is nearly $300,000,000,000—more, probably, than all the rulers of China have spent since Confucius. It can raise more millions for the Yellow River project only in one way. That is, by the process which Washington's bright young men lovingly refer to as "borrowing from each other."

But if "borrowing from each other" is so beneficial for the American people, why wouldn't it be equally beneficial for the Chinese? If Washington can produce and spend money it doesn't have, why can't Chungking?

It would be interesting to hear those questions discussed in Congress.

And it would be interesting, too, to hear the official theory about these two rivers. Why is it so eternally difficult to get a piddling seven millions to keep the Missouri off American farms and out of American basements, while it is so delightfully easy to get seven times that amount to plug a hole in the dikes of the Yellow?

PROPOSED VETERANS' HOSPITAL IN KENTUCKY

Mr. STANFILL. Mr. President, there are two situations in Kentucky which are very disturbing to our citizens, and I desire to ask unanimous consent of the Senate to lay them before this body.

The first is the location of a veterans' hospital for the area embracing northern Kentucky and a part of southern Ohio. The United States Government now owns and has held for many years title to the site known as Fort Thomas located on Kentucky side of the Ohio River. It has owned this property for a great many years. During the First World War it was an Army post, and has been continued as such since that time. In fact, my information is that it has been an Army post for more than 50 years. Just what the acreage in this post is, I do not know, but it lies on a hill overlooking the beautiful Ohio River, and the scenic beauty of the spot is not surpassed at any place along the river. In fact, it has been known for a long time as the "West Point of the West." The ground is high, being at an elevation several hundred feet above the river bed, and the topography is such that it readily lends itself to winding paths, roads, walkways and driveways for use of convalescent patients, and it is now beautifully landscaped. There are a number of buildings already constructed, and there is a hospital which was used during the war as a convalescent hospital by the American Air Forces. The buildings now on the property are ready for immediate occupancy by patients, and there are sufficient homes for physicians and staff members.

I am informed the Government has an investment of more than $7,000,000 in this plant. We all believe that the Government should not waste the money of the taxpayers. I am sure this is the sentiment of all of us, yet if this property is not utilized for the veterans' hospital, the Government will realize practically nothing from its sale.

I am told that the engineers of the Veterans' Administration have approved this site, if they have not actually recommended it above all others. Certainly, in their report to the Administrator of Veterans' Affairs they have shown it to be a desirable site from a physical standpoint.

Fort Thomas is a part of metropolitan Cincinnati. The metropolitan area of that city embraces a portion of Kentucky, including the cities of Covington, Ludlow, Fort Mitchell, Southgate, Bellevue, Newport, Dayton, and Fort Thomas. In this area approximately 200,000 people live; it is separated from Cincinnati proper by the Ohio River, but over this river are five or six bridges, all but possibly two of which are toll free. Streetcars and/or busses run from Cincinnati to Fort Thomas on regular schedules, and the fare is the same as the fare to any other point in the Cincinnati area.

The chief objection advanced by the Veterans' Administration to this site is the claim that it may be difficult to secure medical men, physicians, to attend the patients at this location. Gen. Omar Bradley indicated to a delegation of Kentuckians, including myself, in an interview a few days ago, that another proposed location in the city of Cincinnati might be preferable because it was near the University of Cincinnati, and because he thought medical services could be more readily secured there. I think this argument is unsound for these reasons:

A. While there is a medical school at the University of Cincinnati the professors and teachers at that school are largely private practitioneers in the city of Cincinnati and northern Kentucky and the fact that they go to the medical school of the University of Cincinnati to hold their classes would not make them more available to the hospital if it were near the university than if it were at the Fort Thomas site.

B. The fact that there are medical students at the University of Cincinnati ought not to weigh against the Fort Thomas site, for I am sure the people of this country do not want their veterans in the hospital treated by students in a medical college. We want the very best of medical care for them which may be obtained.

C. Most of the better-known physicians practice and are located in the downtown area of Cincinnati, thus making them more accessible to the Fort Thomas area in Kentucky than to the proposed site in Cincinnati.

D. The physicians in northern Kentucky have sent me a statement which I believe shows a very fine spirit and is a fine exhibit of professional ethics. They have an organization known as the Campbell-Kenton County Medical Society, which is composed of the physicians living and/or practicing their profession in this metropolitan area, which embraces parts of Campbell County and Kenton County in Kentucky.

Mr. President, I ask that a letter from the Campbell-Kenton County Medical Society be printed in the RECORD without taking the time of the Senate to read it.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE CAMPBELL-KENTON COUNTY MEDICAL SOCIETY,
Newport, Ky., January 14, 1946.

Hon. WILLIAM STANFILL,
Washington, D. C.

DEAR SIR: The Campbell-Kenton Medical Association held a meeting of its members on Thursday evening, January 10, 1946, for the purpose of discussing the position in which the members have been placed as the result of the controversy between the interests in Cincinnati and the interests in northern Kentucky over the location of the proposed new veterans' hospital to serve the Cincinnati area.

A great many charges and counter charges have been made which has resulted in the placing of the members of the medical profession in northern Kentucky in a somewhat embarrassing position. It is to clarify our position that we present this statement.

In the discussions that have taken place over the location of the proposed hospital, the question of the medical care to be given to the patients seem to be uppermost in the minds of those factions in Cincinnati who seek to have the hospital located there. It has been pointed out in each instance that an abundance of medical talent is available and will be available if the hospital is located there, and this leaves by inference that, unless the hospital is located in Cincinnati, medical skill will not be available under any except most trying conditions. We do not wish to dispute the fact that splendid medical talent will be available to the patients if the hospital is located in Cincinnati but we consider it manifestly unfair to create the impression that medical talent just as competent is not available in northern Kentucky. We also want to emphasize that the members of the medical profession in northern Kentucky are willing and eager to lend their services whenever needed to the patients of the proposed hospital within the limitations of their availability, regardless of where the hospital is located.

Aside from other considerations governing the location of the veterans' hospital and the factors that will determine the ultimate location of this hospital, we desire to point out that there exists an ample reservoir of medical talent which, it seems to us, will be entirely adequate to supplement the regular medical staff if the hospital is located at Fort Thomas. We are very proud of the fact that the Campbell-Kenton association has so many doctors and surgeons of outstanding skills in its membership. Sixty-two percent of the practitioners in northern Kentucky are graduates of the Cincinnati Medical College, and a number of these men are on the teaching staff of the medical college.

We believe that the erroneous impression that there exists a lack of medical skill in northern Kentucky is unwarranted and in justice to the members of the medical profession we have taken these means to correct it.

We deeply regret that the medical profession has become so far involved in this matter that its dignity and ethics are threatened to a point where we are forced to thus defend ourselves against a possible misunderstanding of the public.

WILLIAM J. O'ROURKE, M. D.,
President.
R. EUGENE WEHR, M. D.,
Secretary.

Mr. STANFILL. Mr. President, without taking any more time of the Senate, I wish to have printed as a part of my remarks on this subject, the following selected letters, telegrams, and resolutions, which will bear out the facts I have stated regarding the Fort Thomas site:

First. Letter dated December 12, 1945, from Newport, Ky., from the Sixth Ward Boosters' Social Club.

Second. Letter dated January 25, 1946, from the Monmouth Street Merchants Association.

Third. Letter from the American Legion Post at Bellevue, Ky., dated January 16, 1946.

Fourth. Letter dated January 3, 1946, from the Central Covington Civic Club in Covington, Ky.

Fifth. Copy of a letter dated January 12, 1946, from Lewis W. Fritsche, the original of which was directed to Gen. Omar Bradley.

Sixth. Letter dated December 21, 1945, from the Fraternal Order of Eagles of Covington, Ky.

Seventh. Letter dated December 17, 1945, from the South Fort Mitchell Fire Association.

Eighth. Telegram from the James Wallace Costigan Post of the American Legion at Newport, Ky.

Ninth. Resolution of the Campbell County Fiscal Court signed by the Honorable Odis W. Bertelsman, county judge, and the county commissioners and duly authenticated by the county clerk of Campbell County, Ky.

Tenth. Resolution of the Kenton County Fiscal Court signed by Judge William E. Wehrman and properly attested by the clerk of the court.

Eleventh. Resolution duly adopted by the House of Representatives of the Commonwealth of Kentucky on January 17, 1946, duly authenticated by the chief clerk of the house.

There being no objection, the letters, telegram, and resolutions, were ordered to be printed in the RECORD, as follows:

SIXTH WARD BOOSTERS' SOCIAL CLUB,
Newport, Ky., December 12, 1945.

Hon. WILLIAM STANFILL.

DEAR SIR: At a meeting of the Sixth Ward Boosters' it was called to our attention the controversy over the use of Fort Thomas Army post for hospital site for disabled veterans. It is our belief that this site should be used for this purpose inasmuch as the buildings are already equipped somewhat, and it would be a savings of millions of dollars to the Government and taxpayers alike. It hasn't been so long ago that the AAF used this property as a convalescent hospital, and after spending thousands of dollars to equip it for their needs, they gave it up in about 1 year. Insofar as President Truman has advocated the useless spending of money in all departments of the Government so as to cut down the national debt, we believe now is a time to economize and save. As you know, the site in Fort Thomas is high among the hills of northern Kentucky, out of reach of all the soot and smoke in the community, plenty of fresh air and river breeze which is ideal for rest and comfort for our disabled veterans.

We also point out to you if the Veterans' Bureau would accept one of the sites offered by our sister city of Cincinnati, it would be from 2 to 3 years before they could occupy the buildings, because of the shortage of material and labor, when they could move in at Fort Thomas in a short time. Therefore, we urge you to do your utmost in having the veterans' hospital located at Fort Thomas. Thanking you for past favors,

I am,
Respectfully yours,
ARTHUR B. KNARR,
Recording Secretary.

Attest:
EARL FRISCHOLZ,
President.

MONMOUTH STREET MERCHANTS ASSOCIATION,
Newport, Ky., January 25, 1946.

VETERANS' ADMINISTRATION,
Washington, D. C.

Attention: Gen. Omar S. Bradley, Administrator.

Subject: Location of a veterans' hospital in the Cincinnati area, and urging the selection of Fort Thomas.

GENTLEMEN: We respectfully call to your attention the following:

1. We deplore the fact that the press of Cincinnati has strongly implied that the matter of determining the location of this hospital is being subjected to political pressure. Naturally persons on both sides seek the aid of their respective representatives in Congress. That does not imply that any decision is urged as a matter of political preferment. In the case of selecting Fort Thomas as the site of a veterans' hospital on the one hand, or the city of Cincinnati on the other, it is clear that politics cannot be involved. The act itself seems to contemplate that existing hospitals of the Army and Navy shall be preferred, and that only if additional hospital facilities should become necessary is an apppropriation made for that purpose. Of course, it is not contended that the Veterans' Administration has not the authority to build a new hospital in Cincinnati, but the statute seems to suggest economy by the utilization o. existing facilities subject to the paramount question as General Bradley has stated, What is ultimately best for the veteran?

So how can it be said that the selection of Fort Thomas, where the hospital is comparatively new, though located at a post of over 50 years standing, is a matter of political significance.

2. As taxpayers to the Federal Government upon whom the expenses finally rest, we respectfully suggest that the savings ought to be made by selecting a hospital in the Cincinnati area that is already constructed and ready for immediate occupation, unless such facilities are not or cannot be made sufficient for the purpose of giving the disabled veterans the best of care.

3. Medical services are as equally available to Fort Thomas as they would be at the site that has been suggested adjoining the General hospital in the city of Cincinnati. The site in Fort Thomas is not much farther from the Doctors Building, about the center of the city of Cincinnati, than is the General Hospital of Cincinnati.

Certainly the location, of such scenic beauty that Fort Thomas has been called the West Point of the West, and the atmosphere unpolluted by the smoke and vapors of industry, invite the favorable consideration of Fort Thomas.

Contrast a convalescent veteran, at a window overlooking river, valley and wooded hills, and one at a window facing a city's street, and walls of other hospitals.

Only if it be true that misery loves company, would the later window be preferred.

4. The area surrounding the Fort Thomas Hospital, and now owned by the Government, lends itself to present addition or future extensions that may become desirable.

The foregoing presentation was authorized and directed by and at an open meeting, held on January 21, 1946, of the members of the Monmouth Street Merchants Association, of Newport, Ky., an organization which has been in existence for about 30 years and comprises a large majority of the merchants of the city of Newport, which, of course, is adjacent to Fort Thomas.

By order of said Association, this is
Respectfully submitted.

JNO. A. BAHLMAN,
CHAS. T. BRANDT,
Committee.

AMERICAN LEGION,
EDWARD W. BOERS POST, No. 153,
Bellevue, Ky., January 16, 1946.

The Honorable W. A. STANFILL,,
United States Senator, Washington, D. C.

DEAR SIR: Edward W. Boers Post, No. 153, American Legion, wishes to thank you for your support of Fort Thomas as the site for the new veterans' hospital instead of Cincinnati.

The argument of the Cincinnati newspapers that the hospital must be on the ash heap near the medical college for the benefit of the veterans is fallacious. We know that all Government hospitals have their own staffs, and that outside help is not needed, and very rarely called for.

The location at Fort Thomas is much better than the Cincinnati location, the air is purer, there is more room for recreation. It can go into operation as a hospital at once. It is easier and cheaper to get to downtown in Cincinnati than from the medical college.

We do not want our boys used as human guniea pigs by the doctors and students at the medical college in Cincinnati, which seems to be the idea of many of those who are plugging for Cincinnati and knocking Fort Thomas.

Yours truly,
NEIL F. ANNABLE, *Adjutant.*

CENTRAL COVINGTON CIVIC CLUB,
Covington, Ky., January 3, 1946.

Hon. WILLIAM A. STANFILL,
Washington, D. C.

DEAR MR. STANFILL: At a recent meeting of our club the location of the new veterans' hospital was discussed, and we, the Central Covington Civic Club, have gone on record as approving the stand taken by the Norman Barnes Post, American Legion, favoring Fort Thomas, Ky., as the most favorable site for the Government's new veterans' hospital.

Trusting that you will do all in your power to secure this location for same, we are,

Very sincerely,
VIRGINIA STODTLANDER, *Secretary.*

FORT THOMAS, KY., *January 12, 1946.*

UNITED STATES VETERANS' ADMINISTRATION,
Washington, D. C.

Gen. OMAR BRADLEY,
Director of Veterans' Affairs,
Washington, D. C.

Gen. PAUL HAWLEY,
Medical Director,
Veterans' Administration,
Washington, D. C.

GENTLEMEN: There has been quite a lot of articles in the newspaper regarding locating the veterans' hospital in Cincinnati, Ohio, as well as Fort Thomas, Ky.

It seems that Cincinnati believes this hospital should be located within Cincinnati because it will be near the medical school. For the love of Pete, that should make no difference, for surely our Government is not going to use these veterans, who were so instrumental in bringing victory to us, as guinea pigs. Further, with the housing shortage in Cincinnati, the ground which would be used for such a hospital could be used for dwellings.

Most of the individuals who are clamoring for locating this hospital in Cincinnati are howling loudest about our Government wasting money, causing high taxes.

As to locating the hospital in Fort Thomas, Ky., this would save our Government quite a chunk of cash. The Government owns the Fort Thomas Military Reservation, which covers quite a large area, more than could be utilized for the hospital alone.

The doctors and surgeons surely would be employed by our Government on a full-time basis and would desire to live close to the hospital. Such being true, there are at present more good buildings now on the Fort Thomas Reservation than they could use. This is more than Cincinnati can boast of, for there are not enough dwellings to house the present citizens of Cincinnati.

I was born and raised in Cincinnati. However, I saw the light and moved to Fort Thomas about 20 years ago. I am employed in Cincinnati and journey to and from 6 days per week.

Fort Thomas' altitude is very high and the air is clear and clean. On coming to work some mornings it is very clear when leaving home, but upon nearing Cincinnati it is often so foggy one cannot see 50 feet ahead. Cincinnati is located within a valley and while the sought location of the hospital is on the brink of a hill, you will find it is quite foggy there at times.

Cincinnati also is a manufacturing city and this in itself is not so healthy for convalescent people, as the air naturally is filled with smoke and other particles.

Fort Thomas does not have any manufacturing plants within its boundary nor for miles from the Government reservation. It does have the Chesapeake & Ohio Railroad running at the foot of the hill, but the smoke from what few locomotives do pass the reservation could not possibly reach the top of the hill.

Cincinnatians desire the hospital due to the revenue it would receive therefrom, while the city of Fort Thomas would not derive any revenue, as the Government now owns the military post.

At present there is a hospital building upon the Fort Thomas site which could be enlarged, if necessary, or there is plenty of unused ground for a new building. It was used, up until a few months ago, as a convalescent hospital for members of the Army Air Corps and was very satisfactory.

If our veterans must be used for guinea pigs, the Fort Thomas location is within a short distance of the medical school, with good roads running outside of congested areas.

We all know that our Government wasted plenty of money during the war, which could not be helped, so let's all turn over a new leaf and practice a bit of economy, forgetting greed. Let's also endeavor to help our veterans regain their health in as healthy an atmosphere as possible with good surroundings.

I have no mercenary motive behind my writing this letter. I would like to see our veterans receive the best possible care in the best possible hospitals affording the best possible surroundings.

What our country needs most now is more statesmen, not politicians, so let's all get behind the ball and push in harmony to give our wounded veterans the best possible care.

Sincerely yours,
LEWIS W. FRITSCHE.

FRATERNAL ORDER OF EAGLES,
COVINGTON AERIE, No. 329,
December 21, 1945.

Hon. Senator W. A. STANFILL,
Washington, D. C.

DEAR SENATOR STANFILL: Covington Lodge No. 329, Fraternal Order of Eagles, representing 3,500 members, requests that the Veterans' Administration establish a veterans' hospital at the Fort Thomas Army Post, Fort Thomas, Ky., because:

First. Fort Thomas is ready and equipped for immediate occupany. It has been used only recently as a convalescent hospital by the AAF.

Second. The buildings are there for immediate occupancy by patients and there are homes for physicians and staff members. There is also ample space for rest and recreation in a place that is high above the smoky and murky atmosphere that hangs over the two alternate sites advocated by Cincinnatians.

Third. Fort Thomas Army Post is but a 7-minute ride from Cincinnati in the event the hospital requires the services of outside medical men.

Fourth. Numbers of returning servicemen are in need of immediate hospitalization and should not be required to wait approximately 2 years which will be required to erect a hospital on either of the two sites in Cincinnati.

In addition the Government has a $7,000,000 investment in Fort Thomas. This investment should not be abandoned at a time when there is dire need for economy.

This resolution is to be spread on the minutes of this lodge and the secretary will send a copy thereof to the Veterans' Administration.

Very truly yours,
ROBT. J. TUTTLE, *Secretary.*

SOUTH FORT MITCHELL
FIRE ASSOCIATION,
South Fort Mitchell, Ky.,
December 17, 1945.

Hon. W. A. STANFILL,
Senator, Washington, D. C.

DEAR SENATOR: The South Fort Mitchell Fire Association, of South Fort Mitchell, Ky., have gone on record that Fort Thomas Army Post, located at Fort Thomas, Ky., is the ideal location for the veterans' hospital.

We beg of you to do all you can that Fort Thomas Army Post be selected for the site.

Thanking you for the stand you have taken, we are,

Truly yours,
JOSEPH HEPP,
President.

NEWPORT, KY., *December 7, 1945.*

Hon. WILLIAM J. STANFILL,
Senate Office Building,
Washington, D. C.:

Dear Mr. STANFILL: We appreciate your efforts in behalf of the Fort Thomas site for veterans' hospital and urge you to continue to fight as we feel that it is the most ideal location to build, both from health standpoint and proper environment for our sick and disabled veterans, and the fact that it is now Government property, 800 feet above sea level and above the smoke, dirt, and the noise of a large city, and easily accessible to a large medical center.

PETER J. FEILEN,
Commander,
James Wallace Costigan Post,
American Legion, Newport, Ky.

CAMPBELL COUNTY FISCAL COURT, CAMPBELL COUNTY, KY., RESOLUTION

Whereas the Veterans' Administration is contemplating the establishment of a veterans' hospital in this vicinity; and

Whereas there are facilities existing in this county, located at Fort Thomas, Ky., formerly used by the Army Air Forces as a convalescent hospital; and

Whereas this site comprising acres of ideally situated land is owned by the United States of America; and

Whereas hospital buildings and other facilities are now available at this site, together with ample acreage for expansion; and

Whereas this centrally located site is the most practical of any under consideration from the viewpoint of service to the veterans and availability to medical personnel located in Ohio and Kentucky: Now, therefore, be it

Resolved by the Campbell County Fiscal Court of Campbell County, Ky., That the United States Veterans' Administration be and hereby is respectfully requested to establish the proposed veterans' hospital at the said Fort Thomas, Ky., site; be it further

Resolved, That copies of this resolution be forwarded to Senators ALBEN BARKLEY and

WILLIAM STANFILL, and Representative BRENT SPENCE.

Done at the regular meeting of the Campbell County Fiscal Court at Alexandria, Ky., the 7th day of January 1946.

ODIS W. BERTELSMAN,
County Judge.
JACOB MARTZ,
LAWRENCE BAUMAN,
JAMES DECKERT,
Commissioners.

KENTON FISCAL COURT, RESOLUTION

Whereas the Veterans' Administration proposes to establish a veterans' hospital within the greater Cincinnati area; and

Whereas the Fort Thomas Military Post is now available for such use as the Veterans' Administration may deem best; and

Whereas the Kenton Fiscal Court realizes the value of the Fort Thomas location from the point of view of excellent buildings, desirable locality and proximity to the greater Cincinnati medical center: Therefore be it

Resolved, That the Kenton Fiscal Court endorses the use of the Fort Thomas Military Post as a veterans' hospital; and be it further

Resolved, That copies of this resolution be sent to Senators Alben W. Barkley and W. A. Stanfill, Congressmen Brent Spence, Congressman A. J. May, and to Gen. Omar Bradley.

Adopted by the Kenton Fiscal Court at Covington, Kenton County, Ky., this 11th day of January 1946.

WM. E. WEHRMAN,
Judge, Kenton County Fiscal Court.

A true copy:
Attest:

SAM FURSTE, *Clerk.*
By W. TAYLOR.

IN HOUSE OF REPRESENTATIVES,
COMMONWEALTH OF KENTUCKY,
January 17, 1946.

House Resolution 8

Concurrent resolution petitioning the Veterans' Administration and the Congress of the United States to use the Army post at Fort Thomas, Ky., as a veterans' hospital

Whereas a considerable number of new veterans' hospitals are now being established; and

Whereas the Army post at Fort Thomas is ideal for a veterans' hospital and would be much more valuable as such than its present use: Now, therefore, be it

Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky (the Senate concurring therein):

It is respectfully urged that the Veterans' Administration and the Congress of the United States arrange for the use of the Army post at Fort Thomas, Ky., as a veterans' hospital.

The clerk of the house shall mail copies of this resolution to the President of the United States, to the Director of the National Veterans' Administration, to the Clerk of the Senate and House of Representatives of Congress, and to each Member of the Senate and House of Representatives of Congress from Kentucky.

This resolution was adopted by the house of representatives on January 14, 1946, and concurred in by the senate on January 16.

Attest:

BYRON ROYSTER,
Chief Clerk of House.

THE KENTUCKY BURLEY TOBACCO MARKET

Mr. STANFILL. Mr. President, another condition to which I desire to call attention is the deplorable situation now prevailing in the State of Kentucky in the burley tobacco market. I do not know just what has caused this condition, but I do know that it has caused great hardship to the farmers of the burley tobacco belt in Kentucky. I have a resolution which was passed by the Senate of the Commonwealth of Kentucky, now in session, duly authenticated by its chief clerk, memorializing the Congress of the United States to establish a floor price for tobacco. I ask that the resolution may be printed in the RECORD without reading.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Senate resolution memorializing Congress to establish a floor price for tobacco

Whereas a ceiling price has been established, above which tobacco cannot be sold; and

Whereas tobacco is one of the chief sources of income for the farmers of Kentucky; and

Whereas the selling price of tobacco is dropping far below the ceiling price, thereby diminishing the farmers' ability to purchase the equipment needed for the operation of the farm, at the present high prices of equipment which will be even higher when labor's demand for higher wages is granted; and

Whereas the farmers are powerless to demand adequate prices for their tobacco: Now, therefore, be it

Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

(1) It is respectfully urged that the Congress of the United States establish a floor price not more than 4 cents below the ceiling price.

(2) It is further urged that the Congress strive, through scientific research, to find more uses of tobacco such as fertilizer ingredient, insect control, etc., which may result in such demand for tobacco that the farmers can expect a good price for their product at any time.

Copies of this resolution shall be sent to the Secretary of Agriculture, Clerk of United States Senate, Clerk of United States House of Representatives and to all Kentucky Members of House and Senate, Washington, D. C.

Attest:

EMERSON BEAUCHAMP,
Chief Clerk of Senate.

Mr. STANFILL. Mr. President, I also have a resolution passed by the House of Representatives of the Commonwealth of Kentucky properly authenticated by the chief clerk of the house of representatives. I ask that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

1. Burley tobacco is now produced in 17 States and the acreage and territory is gradually spreading. There are thousands of additional farmers who want to grow burley tobacco and probably will, regardless of regulations. There is now, or soon will be, an abnormal surplus or carry-over of burley unless some immediate steps are taken to solve the problem.

2. In the last 25 years little if any effort has been made by the growers or our representatives in Washington to sell burley in export trade. Burley tobacco has not been placed on the "must" list in the extending of foreign credits and loans, like cotton and other commodities.

3. Reports show that many foreign countries are now very short on tobacco supplies and that there is not enough tobacco of the type used heretofore to supply the immediate demand.

4. The reports of our returning veterans have proven conclusively that the people of foreign countries crave cigarettes made from our burley tobacco and that if given the opportunity will consume products made from our burley tobacco.

5. Less than 10 percent of the world's population now have an opportunity to use the products of burley tobacco.

6. It is the sense of the members of the house of representatives herein assembled that the burley growers are entitled to more financial support from the Federal Government and to greater cooperation of our State Department for the permitting of sales of burley tobacco in foreign countries: Now, therefore, be it

Resolved by the House of Representatives of the Commonwealth of Kentucky, That the following steps be taken immediately:

First. Federal laws should be amended governing the regulations of growing tobacco. The penalty should be increased alike on all types of tobacco which is grown in excess of their allotment to 40 percent of the sales price or to 15 cents a pound, whichever is greater.

Second. Provisions should be made for the annual measurement of tobacco planted so as to discourage overproduction.

Third. Burley production for 1946 should be reduced as a temporary measure to help relieve prices.

Fourth. Immediate steps should be made by the Federal Government or one of their agencies to purchase 25 percent of the remainder of the burley crop in order to support the price of tobacco, purchased to be used when extending foreign credits.

Fifth. The Senators and Representatives in Congress from the burley-producing States are requested to contact or assist our farm-bureau representatives to contact export companies and export authorities and help work out a plan that will increase the export of burley tobacco.

We hereby go on record as approving wholeheartedly the efforts of the Farm Bureau Federation and support their tobacco program 100 percent.

It is hereby ordered that the clerk of the house send a copy of this resolution to each Member of Congress from Kentucky, the United States Secretary of Agriculture, Secretary of Commerce, and the State Department.

Mr. STANFILL. Mr. President, another resolution was passed by the House of Representatives of the Commonwealth of Kentucky on January 15, 1946, asking the Department of Justice to investigate, with a view to ascertaining whether the Sherman Antitrust laws have been violated.

I ask that the resolution may be printed in the RECORD at this point without reading.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

House Resolution 16

Whereas burley tobacco constitutes one of the chief sources of revenue for the farmers of Kentucky; and

Whereas the whole economy of the State and of the Nation may be thrown out of balance by the recent sudden break in the burley market; and

Whereas the tobacco companies had at their disposal at the beginning of the market all of the information which they now have, including the size of their own inventories, the size of the present crop, and the possible markets available for marketing of the products of the companies; and

Whereas it is reasonable to believe that with all of the above information at the disposal of the companies at the beginning of the market, the prices paid at the beginning of the market must have been based upon the ability of the companies to pay said prices, having in mind present inventories, the size of the 1945 crop and available markets; and

Whereas the break in the market came suddenly and the low bidding was apparently participated in by all of the representatives of all of the companies at the same time; and

Whereas it appears from the morning press that at a meeting at Washington yesterday attended by the representatives of farm organizations from the Burley Belt called for the purpose of considering an increase in the price of cigarettes in order to allow the companies to pay for the 1945 burley crop, that no company put in its appearance; and

Whereas from such action the companies indicated a complete disregard for the welfare of the growers and a complete lack of interest in finding a solution to the growers' problem; and

Whereas on at least one previous occasion the Government of the United States instituted criminal proceedings against some of the tobacco companies and said companies were found guilty of conspiracy to defraud the farmer of his crop; and

Whereas the present situation gives at least many outward appearances of collusion on the part of the companies: Now, therefore, be it

Resolved by the House of Representatives of the Commonwealth of Kentucky, That in an effort to reach the facts, this body go on record as requesting the Department of Justice to immediately institute an investigation of the buyers in the burley market to ascertain why the market was opened at approximately $50 per hundred and, without any change in the information available, all buyers at approximately the same time dropped the price to approximately $38 per hundred; and that it is the sentiment of this body that if an investigation by the Department of Justice indicates that there is collusion among the buyers to break the market and defraud the farmer of his 1945 crop, that said information be presented to the Federal grand jury at Lexington, Ky., and those guilty of conspiracy to break the market be indicted in accordance with the Federal antitrust laws; and be it further

Resolved, That a copy of this resolution be immediately forwarded to each of the Kentucky Congressmen and Senators and to Hon. Tom Clark, Attorney General of the United States.

APPEAL FROM DECISION OF THE CHAIR ON CLOTURE MOTION

The Senate resumed the consideration of the appeal of Mr. BARKLEY from the decision of the Chair sustaining the point of order of Mr. RUSSELL that, under the rule, the presentation of the cloture motion on the FEPC bill was not in order.

Mr. EASTLAND. Mr. President, in the beginning I wish to say that I believe in economic equality for the Negro. That question has been brought into the debate, and that is the reason why I mention it at this time. I believe in better housing conditions. I believe in equal pay for equal work. I believe in improving the economic condition of the Negro in the United States. If my colleagues will pardon a personal reference, I have supported that doctrine with my own money, and I believe that I have done more in behalf of schools, hospitals, and improved housing for the Negro than have all his political friends in this body combined. I do not think it is fair to the South to drag that question in, and say that he is being mistreated down there, and that that is an issue in this controversy.

Mr. President, there are in the world two schools of thought. Our Constitution and our whole system of government are founded on the protection of the rights of the individual. The rights of the individual under our system are paramount to the rights of classes or groups. Under the Communist system and under the Socialist system it is the welfare of the class which counts.

For the past 15 or 20 years there has been a gradual drift in this country toward class government, or group government, under which the rights of the individual citizen are sacrificed. Class rights and alleged group rights are made paramount to the rights of the individual. This bill marks the high point in the drift toward a socialistic America. We have floors under prices. We have wage floors. When the drift continues further there will be wage fixing and price fixing, and we shall live in this country under a managed economy.

Under the terms of this bill the control of employment would pass into the hands of the Government. Employment would be nationalized. I submit that it is all a part of the plan to destroy our country and to set up a Socialist government. A little later I shall discuss the system of procedure and the jurisprudence established under the provisions of this bill, and compare it with the judicial procedure of the Soviet Union, to show that whoever wrote the bill had an uncanny knowledge of the system of jurisprudence in vogue in Soviet Russia today. The two systems are the same. In Russia the rights which are left to the individual are practically the same rights that an employer would have under the terms of the bill. From a study of the code of the Soviet Union, I submit that whoever wrote this bill is to be congratulated on possessing an expert knowledge of the jurisprudence of that country.

First, Mr. President, I desire to refer briefly to certain provisions of the bill. Section 3 (a) provides as follows:

SEC. 3. (a) It shall be an unfair employment practice for any employer within the scope of this act—

(1) to refuse to hire any person because of such person's race, creed, color, national origin, or ancestry.

What does that provision mean? It means that if a white man and a member of one of the minority groups, each with the same qualifications, should apply for a job at an industrial plant, if the employer should conclude that he already had enough employees of the minority race, and that therefore he should give the place to the white applicant, he would be guilty of discrimination under the terms of the bill, and could be prosecuted as set forth therein. It is said that that creates a preference in employment for a member of a minority group and that it gives him a preference over a white applicant. That is true. Let me say, Mr. President, that since June 1940, more than 800,000 aliens have come into this country. American boys have been serving in the armed forces. There was a shortage in the labor market. Those aliens have obtained employment in American industry. I submit that one of the plans behind this bill is, as the Senator from Georgia so well stated, to use the Commission proposed to be created as an employment agency to give employment to aliens and alien groups at the expense of returning American soldiers.

Mr. McCLELLAN. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Arkansas?

Mr. EASTLAND. I yield.

Mr. McCLELLAN. Would not such a program greatly serve the Communist movement in this country?

Mr. EASTLAND. It would greatly serve the Communists in America, because under this bill an employer could not refuse to hire a person because of his creed, an employer could not fire a person because of his creed, and an employer would be liable to prosecution if he fired a Communist or if he refused to give a job to a Communist. Let me tell the distinguished Senator from Arkansas that, as he well knows, the present Communist program in this country is one of infiltration—a program of getting into key positions in Government and in industry.

Mr. McCLELLAN. It is characteristic of the Communists, is it not, to try to infiltrate, rather than to try to move by means of a direct approach?

Mr. EASTLAND. That is their official policy in the United States, and this bill would greatly facilitate the advancement of that policy.

Mr. McCLELLAN. Mr. President, then, I assume that the Senator agrees with me that the passage of this bill would serve to promote the welfare and interests of the Communists in America, rather than serve the interests of true Americans who love democracy and believe in our system of government.

Mr. EASTLAND. I do not think there can be any doubt about that.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield to the Senator from Georgia for a question.

Mr. RUSSELL. The Senator has referred, in the illustration he has given, to an incident which might occur in an industry. I know the able Senator realizes that this bill applies, not only to industry, but to agriculture, to the farmers, and to all other types of business in the United States.

Mr. EASTLAND. Yes; and to the Government.

Mr. RUSSELL. A beauty parlor or a drug store or a little corner grocery store which employs more than six persons would be compelled to accept into its business, into positions of trust, the persons selected by the Board. Of course, we have had no board with anything like the far-reaching powers which are proposed to be vested in the Board to be appointed under the pending bill. We have, however, had a Board of rather limited powers. It was created by Executive order. We know that that Board sought to reach out and assume jurisdiction in cases in which it did not have it, and because it did not have such jurisdic-

tion it came to the Congress with this bill, in order to have power given it over all American life and business.

But the Senator has referred to the Government, and that is what frightens me in connection with the discussion about subversive groups. I am concerned about the power which would be given this group to handle employment in our Government. We can judge the future only by the past. In the past the members of the Board have at least belonged to the group known as "fellow travelers" of the Communist Party. Inasmuch as the bill would give the Board power to regulate employment in the various departments of our Government, I ask the Senator what would be the almost certain effect? I ask him whether it would not be true that as positions of trust became available—positions whose occupants mold the domestic policies of our Government and our relations with foreign countries, who have charge of Government secrets of primary importance to the welfare of our people—this Board, with the power to force even the President of the United States to carry out its orders, could within a few months put subversive men into all the key positions of our Government and could set in motion a train of consequences which would pull down the citadel of our Government around our ears.

Mr. EASTLAND. Mr. President, I think the Senator is exactly correct. I should like to ask the distinguished Senator from Georgia a question, if I may do so without jeopardizing my position on the floor. There is no doubt that, under the bill, schools which receive Federal financial aid for vocational training or other purposes would come under its provisions.

Mr. RUSSELL. I think there can be no question about that.

Mr. EASTLAND. Suppose in one of those schools there was a teacher who taught communism, who encouraged it, who supported it among the students. Does the Senator think she could be fired?

Mr. RUSSELL. She could not be removed. The board of trustees would be powerless to remove her without losing all Federal funds, if the board appointed under the bill were to issue a desist order. The Senator knows, of course, that even if a Communist were to obtain a position of power in a labor organization and were willfully to try to cause trouble, through his prominent position in the labor organization, if that labor organization met and sought to oust him from his position and if the board determined that such action was taken on account of his creed or belief, then all the members of that labor organization could wind up in jail because they tried to purge their ranks of a trouble breeder—an alien who was trying to disrupt our form of government.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. McCLELLAN. I simply wish to make an observation and ask the Senator if he does not agree, namely, that by the passage of this bill we are not only opening the door of our Government to Communists and those who wish to change it and destroy it but we are putting out a frank "welcome" sign, welcoming them to come in. Does not the Senator believe that, under the terms of this bill, an avowed Communist under the pay and direction and orders of Moscow could apply to a Federal agency of the Government for a job, and, if he were otherwise qualified by education and experience and training, he would have to be employed by the agency, for if it refused to employ him because he was an avowed Communist and wished to overthrow this Government, then the agency would be subjected to the penalties which the board would be given authority and jurisdiction to impose? Not only would the door be opened to such persons but over it a "welcome" sign would be placed, and in effect such a person would be told, "Come in, all you Communists. We welcome you here."

Mr. EASTLAND. Certainly that would happen. All our Government agencies would find themselves in that position.

Mr. RUSSELL. The bill would certainly invite anyone from abroad to come here and secure preferential treatment.

Mr. EASTLAND. It would give preference to an alien, as compared to an American soldier who had been wounded in the war and had given his blood for his country.

Mr. President, I now wish to discuss briefly the judicial system which would be set up under the bill, and to show that it would be practically the system in vogue in the Soviet Union today. Under the theory of our Government the American judiciary is a free and independent branch; it is separate from the executive branch, and separate from the legislative branch, and is a check upon the power of both.

I now wish to read from a statement by Krylenko, one of the leading authorities of the Soviet Union on the place of the courts in Communist Russia. Krylenko was the foremost author of works on the Soviet judiciary until the thirties, and his theory of the court in general, and the Soviet court in particular, was as follows:

> No court was ever above the class interests, and if it were such a court, we would not care for it * * *. The court is, and still remains, the only thing it can be by its nature as an organ of the government power—a weapon for the safeguarding of the interests of a given ruling class.

Mr. President, I submit that the pending bill provides for the establishment of an administrative agency as a part of the legislative branch of the Government, which will have as a part of its functions the promotion of the interests of separate classes of our citizens, namely, minority groups.

Mr. Krylenko continues:

> A club is a primitive weapon, a rifle is a more efficient one, the most efficient is the court. For us there is no difference between a court of law and summary justice. A court is merely a better organized form which warrants a minimum of possible mistakes and better evidence of the fact of the time.
>
> The court is an organ of state administration and as such does not differ in its nature from any other organs of administration which are designed, as the court is, to carry out one and the same governmental policy.

To carry out a government policy. That certainly is not the rule in America, but it is the rule provided for in the pending bill.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. McCLELLAN. The distinction between the courts of communistic governments and those of democracies, such as ours, is this: The courts in a communistic government are designed to enforce the policies of the government, whereas in a democracy the primary purpose of the courts is to protect the rights of the individual citizen.

Mr. EASTLAND. The Senator is correct.

Mr. McCLELLAN. I have stated the distinction between the two types of courts.

Mr. EASTLAND. I may state a further distinction. In communistic states courts are established for the protection and promotion of a class.

Mr. McCLELLAN. That class being the ruling class. The Senator is correct.

Under the terms of the pending bill, and its provisions with respect to adjudication of allegations of discrimination, the Commission is to be vested with powers similar to those which are now conferred upon courts in communistic governments. Those powers are to be used for the purpose of enforcing the policy of the Commission against all others, irrespective of their independent views, their liberty, or the freedom which the Constitution guarantees to them.

Mr. EASTLAND. Those powers are to be exercised against the rights of the individual, such as his right of freedom, his right of employment, and so forth. I continue the quotation:

> Our judge is above all a politician, a worker in the political field * * * and therefore he must know what the Government wants and to guide his work accordingly * * * therefore the court must be organized so that there must be a possibility to direct the verdict in conformity with the aims of the state policy which is pursued by the government.

Mr. McCLELLAN. In other words, the Commission is to be established for but one thing, namely, to carry out orders issued by the ruling authority.

Mr. EASTLAND. The Senator is correct. Does not the Senator know that the Commission would exercise such powers freely and without restraint?

Mr. McCLELLAN. I am sure that the Commission would exercise such powers and that those powers would even exceed some of the powers of the Chief Executive in that the Commission could order him around.

Mr. EASTLAND. The Commission could go further than a communistic court in Russia could go.

Mr. McCLELLAN. I believe the Senator to be correct.

Mr. EASTLAND. What I have said applies even to the Ogpu, which, under certain conditions, is subject to orders of the district attorney. I submit that this Commission, if established, will be the

most totalitarian court in the world today.

I continue reading:

> We look at the court as a class institution, as an organ of government power, and we erect it as an organ completely under control of the vanguard of the working class. * * * Our court is not an organ independent of the governmental power. * * * Therefore it cannot be organized in any way other than being dependent upon and removable by the Soviet power.

Mr. President, I submit that, generally speaking, the policies to which reference is made in the statement which I have read reflect the policy which will underlie hearings to be held by the Commission provided for by the pending bill.

What is the system in vogue in Soviet Russia today? I now read from a synopsis of Russian statutes which has been prepared by a very able man whose name I will give if I am requested to do so. He holds a very important position in this Government. He studied law at the University of Moscow and practiced law in Soviet Russia. He graduated at Heidelberg, Germany, and from the University of Leipzig. Today he is in charge of a foreign-law section in a great agency of the American Government. I know that the synopsis which he has prepared is absolutely correct in all its details.

What is the procedure which is followed in the Soviet Union? Upon information that a crime has been committed, administrative agencies in Russia investigate all the pertinent facts.

What would happen under this bill? When the Commission had received information, regardless of the source from which it had come, or by what method, such as over the telephone, by letter, hearsay, or whatever manner in which it may have heard that discrimination had taken place, it would send an agent to conduct an investigation. It would not be necessary for the aggrieved person to have made a complaint. During the beginning of the process the Commission would operate exactly under the same system which obtains in Russia. I read further from the report on Soviet law:

> The person, if suspected, cannot avail himself of a counsel for his defense until an investigation is concluded.

Under the pending bill the accused would be forced to give evidence against himself. Under the Russian system, after a person is indicted he may not be forced to testify against himself. But the system in effect there is to put him on the witness stand as a witness during the preliminary investigation, swear him, make him testify, and later set his testimony out in full in an indictment. In effect, he has been made to give evidence against himself, which is exactly what would take place under the agency provided for in the pending bill.

I continue reading:

> The administrative agencies are, if a case is transferred to them by a court—

That means by the Ogpu. It is not limited in any particular manner, and it may assume jurisdiction of a case and then transfer it to another, a judicial officer who is not required to have any legal training. In the pending bill a hearing is provided for. The Commission is the grand jury, prosecutor, judge, and jury. But the man who is present as the judicial officer is not required to have a legal training. Neither is a judge in Soviet Russia. When I speak of Soviet Russia, Mr. President, I refer to a system which is generally in effect in eastern and southern Europe today. The man who wrote Senate bill 101 had intimate knowledge of the judicial procedure obtaining in the areas to which I have referred.

Mr. RUSSELL. Mr. President, while the Senator is speaking of the fact that under the pending bill a person could be compelled to testify against himself, I think it is well to read the provision of the bill covering that point. Paragraph (c) of section 11 reads:

> (c) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture.

Of course, as the Senator has pointed out, that is the same rule that is applied by the Ogpu in Russia, and that was applied by the Gestapo when it was in power in Germany. The language which I have read is one of the earmarks of the totalitarian state, and would deny the right of the accused to present testimony in behalf of himself.

Mr. EASTLAND. The Senator is correct.

Mr. McCLELLAN. I listened to the language which was read by the able Senator from Georgia, and noted that in it there is a provision that the accused shall be required to testify. Then the language continues:

> But no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

The point I wish to make is that when a man is brought before the Commission, or its agent, he is compelled to tell all he knows about himself, and that is used as the basis for an indictment; yet it is said he will not be punished. It is contradictory; it is inconsistent. It is an impossible imposition upon the human equation, because no man sitting as a judge would be capable of carrying out the full letter of the law. No human being could do it. I make a charge against someone; I make him tell me all that occurred and happened yesterday; then I disabuse my mind of that and do not consider it in weighing his character, weighing him for what he is, or weighing the charge that is to be made against him? It is a human impossibility. Not a Senator could do it; not a judge could do it; not a jury could do it.

Mr. RUSSELL. Mr. President, it is repugnant to the concept of Anglo-Saxon justice to make a man testify against himself. There are two reasons for such a concept. In the first place, back in the days when America meant something and being an American citizen was considered as a badge of honor and distinction, the mere fact that a man was compelled to plead guilty to the Commission of an offense was considered a penalty. The Constitution threw its arms around the citizen and said that no man should be compelled to bear testimony against himself or to incriminate himself. Now it is proposed to amend the Constitution by this proposed law, and say we will make a man testify against himself, despite the provision of the Constitution, in the Bill of Rights, in the fifth amendment, which provides that a man shall not be compelled to incriminate himself.

As the Senator from Arkansas has well pointed out, no human being could dissociate the fact that a man was under compulsion to testify from evidence which came from other sources. A jury could not do it. Under the pending bill a man would not even be allowed a jury, but he would be tried by the Ogpu agent, as the Senator pointed out.

Furthermore, when a man is made to testify against himself, although the proponents of the bill say there is no penalty imposed, yet in the express terms and provisions of the bill, there is held over his head the threat of a prosecution for perjury if he refuses to testify in reply to the evidence the examiner of the Commission might give in the case.

Mr. EASTLAND. Mr. President, I ask Senators to listen to this and see whether this provision is in the bill. I quote from Communist procedure:

> A judicial officer who does not necessarily have to have legal training has free hands in summonsing and examining witnesses and documents, no matter to whom they belong.

Think of that, Mr. President.

Mr. McCLELLAN. Mr. President, will the Senator from Mississippi yield?

Mr. EASTLAND. I yield for a question.

Mr. McCLELLAN. It is significant to me that there is no provision in the bill—at least I have been unable to find any—making allowance for the expenses an individual who was accused would incur, and would of necessity have to incur, to produce his witnesses wherever the hearing was held.

Mr. EASTLAND. I was about to come to that.

Mr. McCLELLAN. I am talking about the particular bill we are discussing. If a citizen of the Senator's State of Mississippi is charged with discriminating and refusing to employ someone on account of his race, creed, or color, and the hearing is set here before a Commissioner, the man might have 25 witnesses from whom he could produce evidence to the effect that he had not discriminated on account of race, creed, color, or national origin. Yet, in order to enable him to make his defense, someone would have to pay the expense of transportation and the other necessary expenses involved in his appearing in Washington, or wherever the hearing was held, in order to establish his innocence, because that is what he would have to do. There is no presumption of innocence in this measure.

Mr. EASTLAND. Of course not. Let me say to the Senator, there is no presumption of innocence in Soviet Russia either.

Mr. McCLELLAN. That is correct, and the Senator is drawing a very appropriate and timely analogy in the consideration of the bill.

The point I am making is that the small businessman, the struggling businessman, is helpless. He cannot defend himself. The bill starts out with a presumption that, once he is accused, he has violated the law, discriminated against someone, and he is not able to defend himself. He has to yield to a little investigator; he has to bow to his will; he has to bow to intimidation; he has not the means to come to Washington and appear before the Commission, or to go somewhere else and defend his liberty.

Mr. EASTLAND. Mr. President, that is not the worst feature of it. An accused person can be required to bring his witnesses from Little Rock to Washington; he can then be required to go to San Francisco with his witnesses, and then be required to go to the city of Detroit, all at his own expense, for hearings, under a system under which I think it is admitted by some of the proponents of the bill fictitious complaints will be made by men who are fired.

Mr. McMAHON. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. McMAHON. I have no intention of entering into the debate, but I will say that the provision of the bill to which reference has just been made should be stricken out. For several years I think there has been a tendency on the part of the Government to select the jurisdiction in which it desires to proceed. As Senators know, under the conspiracy statutes of the United States, an accused person can be tried in California, or he can be tried in New York. It is up to the prosecutor to select the district in which he is to be tried.

Mr. McCLELLAN. If the Senator from Mississippi will yield at that point, under those statutes the burden is on the Government to procure the attendance of the witnesses of the accused in his own defense.

Mr. McMAHON. That is also true.

Mr. McCLELLAN. Under the pending bill there is no such burden on the Government.

Mr. McMAHON. All the more, then, do I think that particular provision of the bill should be stricken out.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. JOHNSTON of South Carolina in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. McCARRAN, from the Committee on the Judiciary:

Nathan Cayton, of the District of Columbia, to be chief judge of the Municipal Court of Appeals for the District of Columbia, vice William E. Richardson, deceased;

Roy M. Shelbourne, of Kentucky, to be United States district judge for the western district of Kentucky, vice Shackelford Miller, Jr., elevated;

Edward S. Kampf, of New York, to be United States district judge for the northern district of New York, vice Frederick H. Bryant, deceased;

J. Vincent Keogh, of New York, to be United States attorney for the eastern district of New York, vice Miles F. McDonald, resigned;

Alexander M. Campbell, of Indiana, to be United States attorney for the northern district of Indiana;

Al W. Hosinski, of Indiana, to be United States marshal for the northern district of Indiana; and

John M. Comeford, of Wisconsin, to be United States marshal for the western district of Wisconsin.

RECESS

Mr. CHAVEZ. Mr. President, I understand the Senator from Mississippi [Mr. EASTLAND] has the floor. Am I correct?

Mr. EASTLAND. Yes.

Mr. CHAVEZ. Is the Senator willing that the Senate recess at this time provided he does not lose the floor?

Mr. EASTLAND. I am willing that the Senate recess at this time provided I retain the floor.

Mr. CHAVEZ. Mr. President, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 14 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, February 5, 1946, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 4 (legislative day of January 18), 1946:

ASSISTANT COMMISSIONER OF PATENTS

Thomas F. Murphy, of Massachusetts, to be Assistant Commissioner of Patents, vice Conder C. Henry, resigned.

PROMOTIONS IN THE REGULAR ARMY OF THE UNITED STATES

(Those officers whose names are preceded by the symbol (×) are subject to examination required by law. All others have been examined and found qualified for promotion.)

To be colonels with rank from December 28, 1945

×Lt. Col. Joseph Leon Philips, Cavalry (temporary brigadier general).

×Lt. Col. Harry Innes Thornton Creswell, Infantry (temporary colonel).

Lt. Col. Lloyd Harlow Cook, Infantry (temporary colonel).

Lt. Col. Kenneth McCatty, Coast Artillery Corps (temporary colonel).

×Lt. Col. Harold Holmes Ristine, Field Artillery (temporary colonel).

Lt. Col. Charles Timothy Senay, Infantry (temporary colonel).

Lt. Col. Egmont Francis Koenig, Infantry (temporary brigadier general).

Lt. Col. Theodore Woodward Wrenn, Field Artillery (temporary colonel).

Lt. Col. Harold Whitaker Rehm, Ordnance Department (temporary colonel).

Lt. Col. Peter Kenrick Kelly, Coast Artillery Corps (temporary colonel).

Lt. Col. Kramer Thomas, Cavalry (temporary colonel).

Lt. Col. Lawrence John Ingram Barrett, Infantry (temporary colonel).

Lt. Col. Clifford Hildebrandt Tate, Field Artillery (temporary colonel).

Lt. Col. Oliver Patton Echols, Air Corps (temporary major general).

Lt. Col. Willard Stratton Wadelton, Cavalry (temporary colonel).

×Lt. Col. John Murray Jenkins, Jr., Field Artillery (temporary colonel).

Lt. Col. Frank Lewis Culin, Jr., Infantry (temporary major general).

Lt. Col. Beverly Hare Coiner, Cavalry (temporary colonel).

×Lt. Col. Albert Dewitt Chipman, Coast Artillery Corps (temporary colonel).

×Lt. Col. Robert Edgar Turley, Jr., Coast Artillery Corps (temporary colonel).

×Lt. Col. Ralph Corbett Smith, Infantry (temporary major general).

×Lt. Col. William Moses Goodman, Coast Artillery Corps (temporary major general).

×Lt. Col. Arthur Henry Truxes, Cavalry (temporary colonel).

×Lt. Col. Gordon Joseph Fred Heron, Cavalry (temporary colonel).

×Lt. Col. Thomas Seelye Arms, Infantry (temporary brigadier general).

Lt. Col. Archelaus Lewis Hamblen, Infantry (temporary brigadier general).

×Lt. Col. Paul Whitten Mapes, Infantry (temporary colonel).

Lt. Col. Robert Chauncey Macon, Infantry (temporary major general).

×Lt. Col. Stanley Bacon, Field Artillery (temporary colonel).

×Lt. Col. Samuel Victor Constant, Cavalry (temporary colonel).

×Lt. Col. William Curtis Chase, Cavalry (temporary major general).

Lt. Col. Norman Edgar Fiske, Cavalry (temporary colonel).

×Lt. Col. Wilson Tarlton Bals, Cavalry (temporary colonel).

×Lt. Col. Cyrus Jenness Wilder, Cavalry (temporary colonel).

Lt. Col. Harold Charles Fellows, Cavalry (temporary colonel).

×Lt. Col. George Lester Kraft, Infantry (temporary colonel).

×Lt. Col. John Singleton Switzer, Infantry (temporary colonel).

×Lt. Col. Robert Ellsworth Phillips, Coast Artillery Corps (temporary colonel).

Lt. Col. Allen Frederick Kingman, Infantry (temporary brigadier general).

Lt. Col. Leander Russell Hathaway, Infantry (temporary colonel).

Lt. Col. John Theodore Pierce, Cavalry (temporary brigadier general).

×Lt. Col. Vincent Bargmant Dixon, Air Corps (temporary colonel).

×Lt. Col. Wilmer Stanley Phillips, Coast Artillery Corps (temporary colonel).

×Lt. Col. Leven Cooper Allen, Infantry (temporary major general).

Lt. Col. Cornelius Martin Daly, Cavalry (temporary brigadier general).

×Lt. Col. Oliver Arlington Hess, Infantry (temporary colonel).

Lt. Col. Edward Amende Allen, Signal Corps (temporary colonel).

Lt. Col. Frank Lawrence Whittaker, Cavalry (temporary colonel).

×Lt. Col. Edgar Harrison Underwood, Coast Artillery Corps (temporary brigadier general).

×Lt. Col. Jedediah Huntington Hills, Adjutant General's Department (temporary colonel).

×Lt. Col. Donald Strong Perry, Cavalry (temporary colonel).

×Lt. Col. John Eubank Copeland, Infantry (temporary brigadier general).

Lt. Col. Frederick Reid Lafferty, Cavalry (temporary colonel).

×Lt. Col. Joseph LeTourneau Lancaster, Infantry (temporary colonel).

×Lt. Col. David Renwick Kerr, Infantry (temporary colonel).

×Lt. Col. Arthur Titman Lacey, Cavalry (temporary colonel).

×Lt. Col. Paul Hills French, Coast Artillery Corps (temporary colonel).

×Lt. Col. Sidney Sohns Eberle, Infantry (temporary colonel).
×Lt. Col. Joseph Nicholas Dalton, Adjutant General's Department (temporary major general).
Lt. Col. David Wilson Craig, Field Artillery (temporary colonel).
×Lt. Col. Thomas Gannt Dobyns, Cavalry (temporary colonel).
×Lt. Col. John Thomas Minton, Cavalry (temporary colonel).
Lt. Col. Horace Lincoln Whittaker, Quartermaster Corps (temporary brigadier general).
×Lt. Col. Walter Alexander Pashley, Quartermaster Corps (temporary colonel).
Lt Col. Edward Fondren Shaifer, Cavalry (temporary colonel).
×Lt. Col. Richard Gentry Tindall, Infantry (temporary brigadier general).
×Lt. Col. Graham Wallace Lester, Infantry (temporary colonel).
×Lt. Col. Francis Artaud Byrne, Infantry.
Lt. Col. Farragut Ferry Hall, Quartermaster Corps (temporary colonel).
Lt. Col. Orville Monroe Moore, Field Artillery (temporary colonel).
×Lt. Col. Leonard Russell Boyd, Infantry (temporary brigadier general).
Lt. Col. Withers Alexander Burress, Infantry (temporary major general).
×Lt. Col. Harry Lee Bennett, Signal Corps (temporary colonel).
Lt. Col. John Cheney Platt, Jr., Signal Corps (temporary colonel).
Lt. Col. James Lindley Hatcher, Ordnance Department (temporary colonel).
Lt. Col. Charles Winship Jones, Infantry (temporary colonel).
×Lt. Col. Paul Nutwell Starlings, Infantry (temporary colonel).
×Lt. Col. Sevier Rains Tupper, Infantry (temporary colonel).
Lt. Col. Irving Carrington Avery, Infantry (temporary colonel).
Lt. Col. Aaron Joseph Becker, Infantry (temporary colonel).
×Lt. Col. Wilson McKay Spann, Infantry (temporary colonel).
×Lt. Col. James Vernon Ware, Infantry (temporary colonel).
Lt. Col. Robert Washington Brown, Judge Advocate General's Department (temporary colonel).
×Lt. Col. Charles Lowndes Steel, Infantry (temporary colonel).
Lt. Col. Manuel Benigno Navas, Infantry (temporary colonel).
×Lt. Col. Enrique Manuel Benitez, Coast Artillery Corps (temporary colonel).
×Lt. Col. Andres Lopez, Infantry (temporary colonel).
×Lt. Col. Modesto Enrique Rodriguez, Infantry (temporary colonel).
×Lt. Col. John Wallick McDonald, Cavalry (temporary colonel).
×Lt. Col. David Hazen Blakelock, Cavalry (temporary brigadier general).
Lt. Col. John Warren Cotton, Infantry (temporary colonel).
×Lt. Col. Ira Benjamin Hill, Coast Artillery Corps (temporary colonel).
×Lt. Col. Albert Russell Ives, Field Artillery (temporary colonel).
Lt. Col. Paul James Dowling, Infantry (temporary colonel).
Lt. Col. John Lenhart Rice, Cavalry (temporary colonel).
Lt. Col. Willis Henry Hale, Air Corps (temporary major general).
×Lt. Col. William Powell Scobey, Infantry (temporary colonel).
Lt. Col. William Cheney Moore, Infantry (temporary colonel).
×Lt. Col. Wharton Girard Ingram, Cavalry (temporary colonel).
Lt. Col. Herman Frederick Kramer, Infantry (temporary major general).
Lt. Col. Clarence Paul Evers, Infantry (temporary colonel).
×Lt. Col. Charles Wesley Gallaher, Field Artillery (temporary colonel).
×Lt. Col. Adrian St. John, Chemical Warfare Service (temporary colonel).
Lt. Col. John Colford Daly, Cavalry (temporary colonel).
Lt. Col. Paul Everton Peabody, Infantry (temporary brigadier general).
×Lt. Col. Albert Francis Christie, Infantry (temporary colonel).
×Lt. Col. Ernest Hill Burt, Judge Advocate General's Department (temporary brigadier general).
×Lt. Col. Ray Milton O'Day, Infantry (temporary colonel).
×Lt. Col. James Madison Garrett, Jr., Field Artillery (temporary colonel).
×Lt. Col. Julian Wallace Cunningham, Cavalry (temporary brigadier general).
Lt. Col. Clarence Edward Cotter, Coast Artillery Corps (temporary colonel).
×Lt. Col. Gordon Bennett Welch, Ordnance Department (temporary colonel).
×Lt. Col. Edmund Bernard Edwards, Field Artiller, (temporary colonel).
×Lt. Col. Merritt Elijah Olmstead, Infantry (temporary colonel).
Lt. Col. Benjamin Franklin Caffey, Jr., Infantry (temporary brigadier general).
Lt. Col. Frank August Heileman, Corps of Engineers (temporary major general).
×Lt. Col. Clinton Albert Pierce, Cavalry (temporary brigadier general).
×Lt. Col. McFarland Cockrill, Cavalry (temporary colonel).
×Lt. Col. Otto Blaine Trigg, Cavalry (temporary colonel).
Lt. Col. Edison Albert Lynn, Ordnance Department (temporary colonel).
×Lt. Col. Lawrence Cordell Frizzell, Cavalry (temporary colonel).
×Lt. Col. Guy Humphrey Drewry, Ordnance Department (temporary brigadier general).
Lt. Col. Henry Davis Jay, Field Artillery (temporary brigadier general).
Lt. Col. Clarence Maxwell Culp, Infantry (temporary colonel).
Lt. Col. Ray Lawrence Burnell, Field Artillery (temporary brigadier general).
Lt. Col. Raphael Saul Chavin, Ordnance Department (temporary brigadier general).
×Lt. Col. John Lester Scott, Finance Department (temporary colonel).
×Lt. Col. Philip Shaw Wood, Infantry (temporary colonel).
Lt. Col. William Henry McCutcheon, Infantry (temporary colonel).
×Lt. Col. Adlai Cyrus Young, Infantry (temporary colonel).
×Lt. Col. Clinton Inness McClure, Field Artillery (temporary colonel).
×Lt. Col. Evan Clouser Seaman, Coast Artillery Corps (temporary colonel).
Lt. Col. Henry Rasick Behrens, Coast Artillery Corps.
×Lt. Col. Roy Charles Lemach Graham, Quartermaster Corps (temporary brigadier general).
Lt. Col. George Ralph Barker, Infantry (temporary colonel).
×Lt. Col. John Waldemar Thompson, Infantry (temporary colonel).
×Lt. Col. Archie Arrington Farmer, Signal Corps (temporary brigadier general).
×Lt. Col. Charles Sabin Ferrin, Field Artillery (temporary brigadier general).
Lt. Col. Roger Hilsman, Infantry (temporary colonel).
×Lt. Col. Holmes Ely Dager, Infantry (temporary major general).
Lt. Col. Harry Elmer Fischer, Infantry (temporary colonel).
×Lt. Col. Roger Williams, Jr., Infantry (temporary colonel).
Lt. Col. Harry Brandley Hildebrand, Infantry (temporary colonel).
×Lt. Col. Louis Whorley Hasslock, Field Artillery.
Lt. Col. Frederick Stone Matthews, Infantry (temporary colonel).
×Lt. Col. William E. Kepner, Air Corps (temporary major general).
×Lt. Col. Marcus Aurelius Smith Ming, Field Artillery (temporary colonel).
Lt. Col. Walter Raymond Graham, Infantry (temporary colonel).
×Lt. Col. James Patrick Murphy, Infantry (temporary colonel).
×Lt. Col. Jacob Edward Bechtold, Infantry (temporary colonel).
Lt. Col. Neal Creighton Johnson, Infantry (temporary brigadier general).
×Lt. Col. Norman Pyle Groff, Infantry (temporary colonel).
×Lt. Col. Glenn Adelbert Ross, Infantry (temporary colonel).
×Lt. Col. Francis Augustus Woolfley, Infantry (temporary brigadier general).
×Lt. Col. Nelson Dingley 3d, Coast Artillery Corps (temporary colonel).
Lt. Col. Richard Weaver Hocker, Field Artillery (temporary colonel).
Lt. Col. Joseph Ware Whitney, Infantry (temporary colonel).
Lt. Col. Peter Paul Salgado, Infantry (temporary colonel).
×Lt. Col. Martin Ackerson, Infantry.
Lt. Col. William Johnston Bacon, Judge Advocate General's Department (temporary colonel).
Lt. Col. Frank Unsworth McCoskrie, Infantry (temporary colonel).
Lt. Col. Edward William Bondy, Infantry.
Lt. Col. Andrew Jackson McFarland, Infantry (temporary brigadier general).
Lt. Col. John Miller Fray, Field Artillery (temporary colonel).
Lt. Col. Harold Howard Galliett, Infantry (temporary colonel).
×Lt. Col. John Vincil Stark, Infantry.
×Lt. Col. Grover Be Egger, Infantry (temporary colonel).
×Lt. Col. Clyde Pickett, Adjutant General's Department (temporary colonel).
Lt. Col Paul Oscar Franson, Infantry (temporary colonel).
Lt. Col. John Neely Hopkins, Infantry (temporary colonel).
×Lt. Col. George William Gillette, Corps of Engineers (temporary colonel).
×Lt. Col. William Agnew Howland, Infantry.
Lt. Col. Clifton Augustine Pritchett, Infantry (temporary colonel).
Lt. Col. Luke Donald Zech, Infantry (temporary colonel).
×Lt. Col. Lucian Dalton Bogan, Infantry (temporary colonel).
×Lt. Col. William Pitt Morse, Infantry (temporary colonel).
Lt. Col. Roy Eugene Blount, Cavalry (temporary brigadier general).
Lt. Col. Hubert Vincent Hopkins, Air Corps (temporary colonel).
×Lt. Col. Thomas Ralph Miller, Field Artillery (temporary colonel).
×Lt. Col. Frank Edwin Sharpless, Infantry.
×Lt. Col. Nels Erick Stadig, Infantry (temporary colonel).
×Lt. Col. Ben-Hur Chastaine, Infantry (temporary colonel).
Lt. Col. Leigh Bell, Infantry (temporary colonel).
Lt. Col. George Frederick Spann, Quartermaster Corps (temporary colonel).
Lt. Col. Harry Clayton Luck, Infantry (temporary colonel).
×Lt. Col. Harry Richardson Simmons, Infantry (temporary colonel).
×Lt. Col. Kenneth Frederick Hanst, Infantry (temporary colonel).
×Lt. Col. Everett Charles Williams, Field Artillery (temporary colonel).
Lt. Col. Maurice Clenen Bigelow, Infantry (temporary colonel).
×Lt. Col. Ross Ormall Baldwin, Infantry (temporary colonel).
×Lt. Col. James Alphonse Kilian, Cavalry (temporary colonel).
×Lt. Col. Thomas Ralph Kerschner, Field Artillery (temporary colonel).
×Lt. Col. Otho Wilder Humphries, Quartermaster Corps (temporary colonel).
Lt. Col. Perry Lee Baldwin, Infantry (temporary colonel).
Lt. Col. George Thomas Shank, Infantry (temporary colonel).

×Lt. Col. Thomas Butler Burgess, Infantry (temporary colonel).
×Lt. Col. Albert Chester Searle, Field Artillery (temporary colonel).
Lt. Col. Carl Austin Russell, Infantry (temporary brigadier general).
×Lt. Col. Will Gillett Gooch, Quartermaster Corps (temporary colonel).
×Lt. Col. Chauncey Harold Hayden, Infantry.
×Lt. Col. Erle Oden Sandlin, Infantry (temporary colonel).
Lt. Col. Isaac George Walker, Cavalry (temporary colonel).
×Lt. Col. Walter Edward Jenkins, Field Artillery (temporary colonel).
×Lt. Col. William Elmer Lynd, Air Corps (temporary brigadier general).
×Lt. Col. Ernest Louis McLendon, Infantry (temporary colonel).
Lt. Col. Rhodes Felton Arnold, Infantry (temporary colonel).
Lt. Col. Aln Dudley Warnock, Infantry (temporary brigadier general).
×Lt. Col. Eugene Nelson Slappey, Infantry (temporary colonel).
×Lt. Col. Stephen Garrett Henry, Infantry (temporary major general).
×Lt. Col. Harwood Christian Bowman, Field Artillery (temporary brigadier general).
Lt. Col. Rosenham Beam, Air Corps (temporary colonel).
×Lt. Col. Pleas Blair Rogers, Infantry (temporary brigadier general).
×Lt. Col. Frank Alfred Jones, Infantry (temporary colonel).
×Lt. Col. Donald Wilson, Air Corps (temporary major general).
Lt. Col. John Derby Hood, Cavalry.
×Lt. Col. Claude Greene Hammond, Infantry (temporary colonel).
×Lt. Col. James Patrick Moore, Infantry (temporary colonel).
×Lt. Col. Frank Austin Heywood, Quartermaster Corps (temporary colonel).
×Lt. Col. John Jacob Bethurum Williams, Field Artillery (temporary colonel).
×Lt. Col. Randolph Gordon, Infantry (temporary colonel).
Lt. Col. Charles McDonald Parkin, Infantry (temporary colonel).
×Lt. Col. Philip Coleman Clayton, Cavalry (temporary colonel).
×Lt. Col. William Francis Heavey, Corps of Engineers (temporary brigadier general).
×Lt. Col. Robert Marks Bathurst, Field Artillery (temporary brigadier general).
Lt. Col. Daniel Noce, Corps of Engineers (temporary major general).
×Lt. Col. Willis Edward Teale, Corps of Engineers (temporary colonel).
Lt. Col. Clark Kittrell, Corps of Engineers (temporary colonel).
×Lt. Col. Charles Everett Hurdis, Field Artillery (temporary major general).
×Lt. Col. Henry Hutchings, Jr., Corps of Engineers (temporary brigadier general).
×Lt. Col. Henry John Schroeder, Signal Corps (temporary colonel).
×Lt. Col. John Matthew Devine, Field Artillery (temporary major general).
Lt. Col. Harold Albert Nisley, Ordnance Department (temporary brigadier general).
×Lt. Col. James Louis Guion, Ordnance Department (temporary colonel).
Lt. Col. George Douglas Wahl, Field Artillery (temporary brigadier general).
×Lt. Col. Basil Harrison Perry, Field Artillery (temporary brigadier general).
Lt. Col. Harold Rufus Jackson, Coast Artillery Corps (temporary brigadier general).
×Lt. Col. Ray Hartwell Lewis, Field Artillery (temporary colonel).
Lt. Col. Augustus Milton Gurney, Field Artillery (temporary brigadier general).
×Lt. Col. John Trott Murray, Infantry (temporary brigadier general).
Lt. Col. Morris Keene Barroll, Jr., Ordnance Department (temporary colonel).
×Lt. Col. Warfield Monroe Lewis, Infantry (temporary colonel).
Lt. Col. Walter Wilton Warner, Ordnance Department (temporary colonel).
Lt. Col. Rex Webb Beasley, Field Artillery (temporary brigadier general).
Lt. Col. Joseph Lawton Collins, Infantry (temporary lieutenant general).
×Lt. Col. Walter Francis Vander Hyden, Ordnance Department (temporary colonel).
Lt. Col. Ira Adam Crump, Ordnance Department (temporary colonel).
Lt. Col. Elbert Louis Ford, Ordnance Department (temporary brigadier general).
Lt. Col. Scott Brewer Ritchie, Ordnance Department (temporary colonel).
Lt. Col. John Tupper Cole, Cavalry (temporary colonel).
Lt. Col. George Sampson Beurket, Field Artillery (temporary colonel).
Lt. Col. Charles Hunter Gerhardt, Cavalry (temporary major general).
Lt. Col. Frederick Augustus Irving, Infantry (temporary major general).
×Lt. Col. Burnett Ralph Olmsted, Ordnance Department (temporary colonel).
×Lt. Col. Matthew Bunker Ridgway, Infantry (temporary lieutenant general).
×Lt. Col. Irvin Edward Doane, Infantry (temporary colonel).
×Lt. Col. Albert Cowper Smith, Cavalry (temporary major general).
Lt. Col. Richard Mars Wightman, Field Artillery (temporary colonel).
×Lt. Col. Charles Walter Yuill, Infantry (temporary colonel).
Lt. Col. William Willis Eagles, Infantry (temporary major general).
×Lt. Col. Joel Grant Holmes, Ordnance Department (temporary colonel).
×Lt. Col. James Arthur Code, Jr., Signal Corps (temporary major general).
×Lt. Col. William Sackville, Coast Artillery Corps (temporary colonel).
Lt. Col. Louis LeRoy Martin, Cavalry (temporary colonel).
Lt. Col. William Kelly Harrison, Jr., Cavalry (temporary brigadier general).
Lt. Col. Ernest Nason Harmon, Cavalry (temporary major general).
×Lt. Col. Norman Daniel Cota, Infantry (temporary major general).
Lt. Col. Christian Gingrich Foltz, Coast Artillery Corps (temporary colonel).
×Lt. Col. Joseph Scranton Tate, Field Artillery (temporary colonel).
×Lt. Col. Robert Bundy Ransom, Infantry (temporary colonel).
×Lt. Col. Arthur McKinley Harper, Field Artillery (temporary major general).
×Lt. Col. Carleton Coulter, Jr., Infantry (temporary colonel).
×Lt. Col. Aaron Bradshaw, Jr., Coast Artillery Corps (temporary brigadier general).
Lt. Col. Robert Newton Kunz, Signal Corps (temporary colonel).
×Lt. Col. Charles Solomon Kilburn, Cavalry (temporary colonel).
Lt. Col. Willis Richardson Slaughter, Ordnance Department (temporary colonel).
Lt. Col. George Hatton Weems, Infantry (temporary brigadier general).
Lt. Col. Charles Radcliffe Johnson, Jr., Cavalry (temporary colonel).
×Lt. Col. William Claude McMahon, Infantry (temporary brigadier general).
×Lt. Col. Bertrand Morrow, Cavalry (temporary colonel).
×Lt. Col. Harry Russell Pierce, Coast Artillery Corps (temporary colonel).
×Lt. Col. Lawrence Collamore Mitchell, Coast Artillery Corps (temporary colonel).
Lt. Col. Milton Baldridge Halsey, Infantry (temporary brigadier general).
×Lt. Col. Charles Love Mullins, Jr., Infantry (temporary major general).
Lt. Col. Sterling Alexander Wood, Infantry (temporary colonel).
×Lt. Col. Alexander Hunkins Campbell, Coast Artillery Corps (temporary colonel).
×Lt. Col. David Sheridan Rumbough, Field Artillery (temporary colonel).
Lt. Col. Marvil Groves Armstrong, Coast Artillery Corps (temporary colonel).
×Lt. Col. Donovan Swanton, Infantry (temporary colonel).
×Lt. Col. Francis Atherton Macon, Jr., Adjutant General's Department (temporary colonel).
Lt. Col. Laurence Bolton Keiser, Infantry (temporary brigadier general).
×Lt. Col. Homer Caffee Brown, Infantry (temporary brigadier general).
×Lt. Col. Clare Hibbs Armstrong, Coast Artillery Corps (temporary brigadier general).
Lt. Col. Harris Marcy Melasky, Infantry (temporary major general).
Lt. Col. John Clement Whitcomb, Infantry (temporary colonel).
Lt. Col. Wallace James Redner, Quartermaster Corps.
×Lt. Col. Paul Hancock Brown, Infantry (temporary colonel).
×Lt. Col. William Stuart Eley, Infantry (temporary colonel).
Lt. Col. Joseph Pescia Sullivan, Quartermaster Corps (temporary brigadier general).
×Lt. Col. Clarke Kent Fales, Infantry (temporary colonel).
×Lt. Col. Solomon Foote Clark, Field Artillery (temporary colonel).
Lt. Col. Russell Gilbert Barkalow, Field Artillery (temporary colonel).
×Lt. Col. Frank Augustus Keating, Infantry (temporary major general).
Lt. Col. Richard David Daugherity, Finance Department (temporary colonel).
Lt. Col. Joseph Clark Addington, Infantry (temporary colonel).
Lt. Col. Allison Joseph Barnett, Infantry (temporary major general).
×Lt. Col. John Andrew Porter, Quartermaster Corps (temporary brigadier general).
×Lt. Col. George Frederick Unmacht, Chemical Warfare Service (temporary colonel).
×Lt. Col. William Settle Evans, Field Artillery (temporary colonel).
×Lt. Col. George Herbert Schumacher, Quartermaster Corps (temporary colonel).
×Lt. Col. Walter Moody Tenney, Field Artillery (temporary colonel).
Lt. Col. Arthur Shelby Levinsohn, Quartermaster Corps (temporary colonel).
Lt. Col. Richard Bartholomew Moran, Signal Corps (temporary brigadier general).
Lt. Col. Arthur Oscar Walsh, Finance Department (temporary colonel).
×Lt. Col. Harry Lauman Waggoner, Quartermaster Corps (temporary colonel).
×Lt. Col. Walter Herbert Wells, Infantry.
Lt. Col. LeRoy Lutes, Coast Artillery Corps (temporary lieutenant general).
×Lt. Col. Welcome Porter Waltz, Infantry (temporary colonel).
Lt. Col. John Walter Crissy, Infantry (temporary colonel).
×Lt. Col. Edwin Hugh Johnson, Infantry (temporary colonel).
Lt. Col. Russel McKee Herrington, Corps of Engineers (temporary colonel).
×Lt. Col. Lewis Abram Pulling, Cavalry.
×Lt. Col. Fred Matthew Fogle, Quartermaster Corps (temporary colonel).
×Lt. Col. Charles Erwin Rayens, Infantry (temporary colonel).
×Lt. Col. Sidney Feagin Dunn, Field Artillery (temporary colonel).
Lt. Col. William Hones, Infantry (temporary colonel).
Lt. Col. Breckinridge Atwater Day, Field Artillery (temporary colonel).
×Lt. Col. Joseph Kennedy, Field Artillery (temporary colonel).
Lt. Col. George David Shea, Field Artillery (temporary brigadier general).
×Lt. Col. Donald Coe Hawley, Cavalry.
×Lt. Col. Gilmer Meriwether Bell, Infantry (temporary colonel).
Lt. Col. Jay Ward MacKelvie, Field Artillery (temporary brigadier general).
Lt. Col. Francis Truman Bonsteel, Cavalry (temporary colonel).
Lt. Col. William Edwin Barott, Quartermaster Corps (temporary colonel).
×Lt. Col. Frank Nelson, Cavalry (temporary colonel).

Lt. Col. John Homer Carriker, Field Artillery (temporary colonel).
Lt. Col. Benjamin Harrison Hensley, Infantry (temporary colonel).
Lt. Col. William Samuel Rumbough, Signal Corps (temporary major general).
×Lt. Col. Frank Henry Barnhart, Cavalry (temporary colonel).
Lt. Col. Henry Theophil John Weishaar, Quartermaster Corps (temporary colonel).
Lt. Col. Henry Jeffrey Matchett, Infantry (temporary brigadier general).
×Lt. Col. John William Bulger, Infantry (temporary colonel).
×Lt. Col. Crosby Nickerson Elliott, Quartermaster Corps (temporary colonel).
×Lt. Col. Alton Wright Howard, Cavalry (temporary colonel).
×Lt. Col. Frank Moore Child, Infantry (temporary colonel).
Lt. Col. Hurley Edward Fuller, Infantry (temporary colonel).
×Lt. Col. Larry McHale, Field Artillery.
×Lt. Col. John Paul Horan, Infantry (temporary colonel).
Lt. Col. William Benjamin Wright, Jr., Air Corps (temporary colonel).
Lt. Col. Richard Whitney Carter, Cavalry (temporary colonel).

HOUSE OF REPRESENTATIVES

MONDAY, FEBRUARY 4, 1946

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou who art the way, the truth, and the life, whose word is the loftiest teaching of earth, enrich our minds and hearts with Thy heavenly gifts that we may abhor the evil and cleave to that which is good. O take the beam from our own eyes that we may see more clearly to take the mote out of our brother's eye. Unsoiled by the thought of selfishness, unfretted by the faults of others, ennoble us by unfaltering devotion which shames the stifling things born of self. O Zion, hasten to bring to our Nation the blessings of insight, accuracy, and creative power for the future. May we be resolutely determined to make our land the citadel of upright, patriotic citizens, lifting it out of the wilderness of strife and confusion into the folds of peace. We pray in the name of Him who walked the troubled waters of sin and sorrow and opened the way to wide horizons where there is strength and power in the courts above. Amen.

The Journal of the proceedings of Friday, February 1, 1946, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the President pro tempore has appointed Mr. BARKLEY and Mr. BREWSTER members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers in the following departments and agencies.

1. Department of Agriculture.
2. Department of Commerce.
3. Department of Commerce (Coast and Geodetic Survey).
4. Department of Justice.
5. Department of the Navy.
6. Department of War.
7. Federal Works Agency.
8. National Archives.
9. National Housing Agency.
10. Office of Price Administration.
11. Office of Scientific Research and Development.
12. Petroleum Administration for War.
13. Surplus Property Administration.
14. United States Railroad Retirement Board.

SWEARING IN OF MEMBERS

Mr. J. LINDSAY ALMOND, JR., and Mr. SAM J. ERVIN, JR., appeared at the Bar of the House and took the oath of office.

EXTENSION OF REMARKS

Mr. LANE asked and was given permission to extend his remarks in the RECORD in two instances, and to include in one an article that appeared in Look magazine and in the other an editorial that appeared in the Boston Sunday Post.

Mr. WALTER asked and was given permission to extend his remarks in the RECORD and include an address by the Under Secretary of the Navy.

Mr. BROOKS asked and was given permission to extend his remarks in the RECORD in two instances and to include in one an address delivered by Mr. Claudius Dickson, of Shreveport, La., and in the other remarks of Mr. Harry Johnson, of Shreveport, La.

Mr. DOMENGEAUX asked and was given permission to extend his remarks in the RECORD in two instances, and to include in one a letter written to the Secretary of Agriculture by various Members of Congress and in the other an editorial from the New Orleans Item.

Mr. LARCADE asked and was given permission to extend his remarks in the RECORD and include a letter from the Governor of Louisiana addressed to the Governor of Ohio.

Mr. KELLEY of Pennsylvania asked and was given permission to extend his remarks in the RECORD and include a telegram from Thomas Kennedy, secretary-treasurer of the United Mine Workers of America.

Mr. SIKES asked and was given permission to extend his remarks in the RECORD.

Mr. DOUGHTON of North Carolina asked and was given permission to extend his remarks in the RECORD and include a letter from Hon. Edwin Gill, Commissioner of Revenue of North Carolina, to Hon. O. Max Gardner, Chairman of the Advisory Board on War Mobilization and Reconversion, and his reply.

Mrs. LUCE asked and was given permission to extend her remarks in the RECORD and include copies of certain resolutions passed by chapters of the DAR condemning the action of the Washington board in connection with its exclusion of Negro artists from Constitution Hall.

LABOR LEGISLATION

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, on Friday I addressed the House and outlined briefly the terms of a substitute bill which I shall offer to the Case bill at the proper time. I merely want to say at this time that I have copies of that bill, which is H. R. 5328, and will be glad to furnish any Member the text of that proposal. It is a piece of legislation constructive in nature, which can be enacted into law. I earnestly hope for careful consideration of it, and that Members will take the trouble to look it over before that time comes.

Mr. MONRONEY. Mr. Speaker, will the gentleman yield?

Mr. VOORHIS of California. I yield to the gentleman from Oklahoma.

Mr. MONRONEY. Will the gentleman tell the House at what point in the RECORD and of what day his remarks explaining the bill appear?

Mr. VOORHIS of California. Page 751 of the RECORD of Friday, February 1.

Mr. CHURCH. Mr. Speaker, will the gentleman yield?

Mr. VOORHIS of California. I yield to the gentleman from Illinois.

Mr. CHURCH. Is the bill of which the gentleman is now speaking practically the bill introduced by Senator MCMAHON?

Mr. VOORHIS of California. A considerable part of it, but it also has provision for the final settlement of disputes over grievances, over contract interpretations, and so on, patterned on the Railway Labor Act, as the last section of the bill. There are also 10 other provisions in my bill which do not appear in the McMahon bill, which I shall explain when I have time.

VETERANS' ADMINISTRATION

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I should like to bring to the attention of the Members of the House something they may want to know.

That is, that for 4 months the Veterans' Administration offices were told by the War Department not to request AGO or medical reports because the office furnishing these reports was moved from High Point, N. C., to some place in Missouri.

So, for 4 months, these reports badly needed by the Veterans' Administration before they could adjudicate claims were not to be had.

When I discovered this condition and learned what had happened, I was very active in having the Veterans' Administration request that they be allowed without further delay to request and receive these AGO records. Thereupon

some 2 weeks later an order went out to permit the Veterans' Administration to request these records.

There is another thing I think most Members realize. That the former Administrator of the Veterans' Administration, except for a very late survey of hospitals, had made absolutely no plans to meet the additional tremendous load to be placed upon him by veterans of World War II. I brought this fact before the House time and time again during the war.

I have pointed out the lack of space, lack of personnel, and lack of hospital facilities.

I have urged that the Veterans' Administration be made the veterans' department with a Cabinet head. Only in that way will the head of the Veterans' Administration have the power to secure the necessary governmental support in order to act promptly and efficiently in matters pertaining to needs of service men and women.

The head of a commission or bureau has very little influence and power. General Bradley's hand should be strengthened in every way, in order to make his work effective.

LOAN TO ENGLAND

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

[Mr. ELLIS addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. SHORT asked and was given permission to extend his remarks in the Appendix of the RECORD and include a radio address he delivered last December.

Mr. KILBURN asked and was given permission to extend his own remarks in the Appendix of the RECORD and include therein an address delivered by Mr. Charles E. Wilson at a meeting of the alumni of Clarkson College of Technology, of Potsdam, N. Y., of which college a former colleague, Hon. Bertrand H. Snell, was for 25 years president of the board of trustees and still is a very active member of the board.

PROPOSED CAPITAL OF THE UNITED NATIONS

Mr. KOPPLEMANN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. KOPPLEMANN. Mr. Speaker, as a Member of this body from the State of Connecticut I desire to inform Congress that my State has received a tremendous honor in being recommended as the capital of the United Nations.

The site inspection committee of the United Nations preparatory commission will report to the General Assembly meeting in London on their choice of the Greenwich-Stamford area.

Final selection is up to the General Assembly of the UNO. Connecticut was recommended because it qualified as a location for the permanent United Nations capital. I regret that some local opposition has arisen.

I feel sure that if Connecticut is voted as the capital site by the Assembly, the United Nations will be welcomed with open arms.

World peace hangs in the balance of establishing a world capital. Connecticut, if selected, will need the full cooperation of the whole United States.

We in Connecticut are going all out to do our part. Today the small State of Connecticut is on a much larger map—the map of the world which no longer knows boundary lines.

We from Connecticut humbly acknowledge this great honor. I want to personally, from the well of this House, express my appreciation to the inspection site committee of the United Nations.

EXTENSION OF REMARKS

Mr. GOSSETT asked and was given permission to extend his own remarks in the Appendix of the RECORD and to include a radio address delivered by him last Friday night.

Mr. PHILBIN asked and was given permission to extend his remarks in the RECORD and include therein certain resolutions of the Americans Veterans' Organization of Massachusetts.

PRICE INCREASES AND INFLATION

Mr. SLAUGHTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and include a letter as part of my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

[Mr. SLAUGHTER addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. MANSFIELD of Montana asked and was given permission to extend his remarks in the RECORD in two instances and to include therein sundry letters and records.

Mr. SHEPPARD asked and was given permission to extend his remarks in the Appendix of the RECORD and include some comments from the Daily Sun, of San Bernardino, Calif., on strike legislation.

Mr. CELLER asked and was given permission to extend his own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. CELLER. Mr. Speaker, I ask unanimous consent that after the disposition of business on the Speaker's desk and the conclusion of special orders heretofore entered, I may address the House on Wednesday for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENSION OF REMARKS

Mr. MERROW asked and was given permission to extend his remarks in the Appendix of the RECORD and include therein an article by W. H. Lawrence.

PERMISSION TO ADDRESS THE HOUSE

Mr. MERROW. Mr. Speaker, I ask unanimous consent that after the disposition of business on the Speaker's desk and at the conclusion of special orders heretofore entered I may address the House on Thursday next for 1 hour.

The SPEAKER. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

EXTENSION OF REMARKS

Mr. McCORMACK asked and was given permission to extend his remarks in the Appendix of the RECORD and include therein a radio speech recently made by a former colleague, Hon. William J. Granfield, of Massachusetts; and also to extend his remarks in the Appendix of the RECORD and include therein a letter which he received from the Civil Service Commission in relation to the delay in acting upon applications of veterans.

SENIORITY RIGHTS IN CIVIL SERVICE OF VETERANS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I am today introducing a bill relating to veterans of the last war which I think will appeal to each and every Member of the House. Certainly it is based upon equity and justice. I can best briefly illustrate the objectives of the bill by citing a concrete example.

Take the case of anyone who served during the recent war, and at the time he entered the service his name was on a civil-service list, and that while he was in the service his name was reached on the list. By reason of being in the service, he could not be appointed. It may have been an appointment as rural carrier, or letter carrier, or as a clerk in the Post Office Department, or as a clerk in the Veterans' Administration, or any other civil-service position in any agency of the Federal Government.

The boy returns to civilian life. After his return, his name is restored to the civil-service list or is still on the list it was on before he entered the service. Finally, it is reached and he is appointed. The seniority rights of that young man start at the time he is appointed.

The purpose of my bill is to provide by law that the seniority rights and his rights under retirement and so forth shall start from the time he would have been appointed when his name was reached on the list, had he not been in the armed services. In other words, this bill will remove an unintentional and unconscionable discrimination against veterans who were appointed to Federal service after the termination of the war, whose names were upon the civil-service list at the time they entered the service, and whose names were reached for appointment while in the service.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

ATTACKS ON COMMITTEE ON UN-AMERICAN ACTIVITIES

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks, and to include therein some excerpts from the hearings before the Committee on Un-American Activities.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

[Mr. RANKIN addressed the House. His remarks appear in the Appendix.]

COMMITTEE ON UN-AMERICAN ACTIVITIES

Mr. OUTLAND. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. OUTLAND. Mr. Speaker, I have listened with interest to the remarks of the gentleman from Mississippi [Mr. RANKIN]. Twice in the last 24 hours I have seen it stated that the chief counsel of the Committee on Un-American Activities has written to a veterans' organization in New York stating: "I wonder if you are sufficiently familiar with the history of the United States to be aware that this country was not organized as a democracy," and further stating that our Nation was a Republic. Mr. Speaker, of course our Government is a Republic—our entire way of life, however, is a democracy, and everyone of any intelligence knows it.

Mr. Speaker, I seem to recall that the President of the United States during the First World War stated we were fighting to make the world safe for democracy. We have just finished an even greater war for the same avowed purpose.

If the Committee on Un-American Activities wishes to render a real service to the American people, I suggest it start by investigating its own chief counsel. Unless he is better informed and more understanding of our way of life than to write letters such as this to our veterans' organizations, he should not be on the pay roll of a congressional committee.

The SPEAKER. The time of the gentleman from California has expired.

EXTENSION OF REMARKS

Mr. EBERHARTER asked and was given permission to extend his remarks in the RECORD and insert a statement of facts relating to a strike of the United Electrical, Radio, and Machine Workers of America.

AMENDING THE HATCH ACT

Mr. SABATH from the Committee on Rules submitted the following privileged resolution (H. Res. 504) which was referred to the House Calendar and ordered printed:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 1118) to amend the Hatch Act. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour to be equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the committee shall rise and report the same back to the House with such amendments as shall have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

THE CONSENT CALENDAR

The SPEAKER. The Clerk will call the first bill on the Consent Calendar.

TO PRESERVE THE NATIONALITY OF NATURALIZED VETERANS, THEIR WIVES, MINOR CHILDREN, AND DEPENDENT PARENTS

The Clerk called the bill (H. R. 4605) to amend the Nationality Act of 1940, to preserve the nationality of naturalized veterans, their wives, minor children, and dependent parents.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted etc., That subsection (h) of section 406 of the Nationality Act of 1940, approved December 24, 1942 (56 Stat. 1085; 8 U. S. C. 806), is hereby amended to read as follows:

"(h) Who is a veteran of the Spanish-American War, of World War I, or of World War II, his wife, minor children, or dependent parents."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PLACING CHINESE WIVES OF AMERICAN CITIZENS ON A NONQUOTA BASIS

The Clerk called the bill (H. R. 4844) to provide for the admission to the United States of the alien Chinese wives of American citizens who are admissible under the provisions of the immigration laws other than those authorizing exclusion on grounds of race or birth in a defined geographical area.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ELLIS. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

RIVER AND HARBOR PROJECTS

The Clerk called House Joint Resolution 265, to provide for proceeding with certain river and harbor projects heretofore authorized to be prosecuted after the termination of the war.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KEAN. Mr. Speaker, inasmuch as a rule has been granted on this bill, I object.

Mr. COLE of New York and Mr. CUNNINGHAM objected.

DOMESTIC RAISING OF FUR-BEARING ANIMALS

The Clerk called the bill (H. R. 2115) relating to the domestic raising of fur-bearing animals.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KEAN, Mr. COLE of New York, and Mr. ANGELL objected.

OFFICERS AND EMPLOYEES FOR CERTAIN COURTS

The Clerk called the bill (H. R. 4230) to provide necessary officers and employees for circuit courts of appeals and district courts.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KEAN. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

EXTENDING THE CLASSIFIED EXECUTIVE CIVIL SERVICE OF THE UNITED STATES

The Clerk called the bill (S. 102) to amend section 2 (b) of the act entitled "An act extending the classified executive civil service of the United States," approved November 26, 1940, so as to provide for counting military service of certain employees of the legislative branch in determining the eligibility of such employees for civil-service status under such act.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, this bill has been passed over on previous calls of the calendar for the reason that the report did not comply with the Ramseyer rule making a notation of the changes in existing law.

I am advised by the chairman of the Committee on the Civil Service that an amended report has been filed. Although the amended report has not been submitted to us, I have no reason to doubt my information.

I therefore withdraw my objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That subsection (b) of section 2 of the act entitled "An act extending the classified executive civil service of the United States," approved November 26, 1940 (54 Stat. 1212; U. S. C., title 5, sec. 631 (b)), is amended by adding at the end of such subsection a new sentence as follows: "In the case of an individual who shall have held such a position in the legislative branch for at least 2 years and who shall have been separated from such position for the purpose of entering the military or naval service, such individual shall be deemed, for the purposes of this subsection, to have held such position during the period within which he shall have served in the military or naval forces."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADMINISTRATION AND ULTIMATE LIQUIDATION OF FEDERAL RURAL REHABILITATION PROJECTS

The Clerk called the bill (H. R. 2501) to authorize the Secretary of Agriculture to continue administration of and ultimately liquidate Federal rural rehabilitation projects, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KEAN, Mr. COLE of New York, and Mr. CUNNINGHAM objected.

TRAVEL ALLOWANCES AND TRANSPORTATION OF DEPENDENTS OF MEMBERS OF THE NAVAL FORCES UPON SEPARATION

The Clerk called the bill (H. R. 4896) to provide for payment of travel allowances and transportation, and for transportation of dependents and shipment of household effects, of members of the naval forces upon separation from active service, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That any member of the naval forces who is hereafter separated from active service under conditions other than honorable may be furnished transportation in kind at Government expense from the place of separation from active service to the place at which he entered upon active service or home of record: *Provided*, That no transportation will be furnished under this section to any person who is in confinement pursuant to sentence of a civil court at the time of separation from active service.

SEC. 2. In lieu of transportation for dependents of personnel of the Navy, Marine Corps, and Coast Guard, or of any of the components thereof authorized under any provision of law, payment in advance or otherwise at the rate of 4 cents per mile for dependents 12 years of age and over, and 2 cents per mile for dependents under 12 years of age to include dependents 5 years of age and over, may be made for land travel. No payment will be made for dependents less than 5 years of age. Reimbursement is authorized in the manner prescribed in this section, for travel performed, in any case where payment for such travel has not theretofore been made.

SEC. 3. The Secretary of the Navy is authorized to delegate authority to determine the availability of Government transportation for dependents of naval personnel to or from stations beyond the continental limits of the United States under any provision of law and such determinations heretofore made by administrative officers shall be deemed sufficient to support payments for transportation of dependents.

SEC. 4. The Secretary of the Navy is authorized to prescribe regulations for carrying out the provisions of this act. Determinations of dependency, distances, and the places between which transportation or travel is authorized, made by the Secretary of the Navy, or such persons as he may designate, shall be conclusive for accounting purposes.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill to provide for payment of travel allowances and transportation and for transportation of dependents of members of the naval forces, and for other purposes."

AMENDING ARTICLE 38 OF THE ARTICLES FOR THE GOVERNMENT OF THE NAVY

The Clerk called the bill (S. 1545) to amend article 38 of the Articles for the Government of the Navy.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc. That article 38 of the Articles for the Government of the Navy (Rev. Stat., sec. 1624, art. 38), as amended or superseded by the act approved February 16, 1909, chapter 131, section 10 (35 Stat. 621), as amended by the act approved August 29, 1916, chapter 417 (39 Stat. 586), is amended and reenacted to read as follows:

"ART. 38. Convening authority: General courts martial may be convened:

"First. By the President, the Secretary of the Navy, the commander in chief of a fleet, and the commanding officer of a naval station or a larger shore activity beyond the continental limits of the United States; and

"Second. When empowered by the Secretary of the Navy, by the commanding officer of a division, squadron, flotilla, or other naval force afloat, and by the commandant or commanding officer of any naval district, naval base, or naval station, and by the commandant, commanding officer, or chief of any other force or activity of the Navy or Marine Corps, not attached to a naval district, naval base, or naval station."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADJUSTMENT OF PAY ACCOUNTS OF NAVAL PERSONNEL

The Clerk called the bill (S. 1467) to provide for adjustment between the proper appropriations of unpaid balances in the pay accounts of naval personnel on the last day of each fiscal year, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That upon certification to the Comptroller General and the Secretary of the Treasury by the Bureau of Supplies and Accounts on transfer and counterwarrants of the net amount of the unpaid and overpaid balances occurring in the individual pay accounts of naval personnel on the last day of any fiscal year, such net amount shall be charged against the appropriation for the fiscal year in which such balances occurred, and from which such amount was payable, and shall be credited to and payable from the corresponding appropriation for the next succeeding fiscal year.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COST OF TRANSPORTATION OF DEPENDENTS OF CERTAIN PERSONS

The Clerk called the bill (S. 1631) to provide for the payment on a commuted basis of the costs of transportation of dependents of certain persons entitled to such transportation, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That (a) section 12 of the Missing Persons Act (act of March 7, 1942; 56 Stat. 143, 146), as amended (50 App. U. S. C. 1012), is hereby further amended by inserting before the period at the end thereof the following: ": *Provided further*, That in lieu of transportation authorized by this section for dependents, the head of the department concerned may authorize the payment in money of amounts equal to such commercial transportation costs for the whole or such part of travel for which transportation in kind is not furnished, when such travel shall have been completed."

(b) This amendment shall take effect as of September 8, 1939.

SEC. 2. (a) The first section of the act of October 14, 1942 (56 Stat. 786; 50 App. U. S. C. 831), is hereby amended by inserting before the period at the end of such section the following: ": *Provided further*, That in lieu of transportation authorized by this section for dependents, the Secretary of the Navy may authorize the payment in money of amounts equal to such commercial transportation costs for the whole or such part of travel for which transportation in kind is not furnished, when such travel shall have been completed."

(b) This amendment shall take effect as of October 1, 1940.

SEC. 3. (a) The act of November 28, 1943 (57 Stat. 593; 50 App. U. S. C. 833a), is hereby amended by inserting the following new section and by renumbering the present section 5 as section 6:

"SEC. 5. In lieu of transportation authorized by this act for dependents, the Secretary of the Navy may authorize the payment in money of amounts equal to such commercial transportation costs for the whole or such part of travel for which transportation in kind is not furnished, when such travel shall have been completed."

(b) This amendment shall take effect as of December 7, 1941.

SEC. 4. Section 4 of the act of June 5, 1942 (56 Stat. 314, 315; 50 App. U. S. C. 763, 764), is hereby amended by inserting after subsection (d) the following subsection (3):

"(e) In lieu of transportation authorized by subsections 3 (b), (3) (c), 4 (a), 4 (b), and 4 (c) of this act for dependents, the Secretary of War may authorize the payment in money of amounts equal to such commercial transportation costs for the whole or such part of travel for which transportation in kind is not furnished, when such travel shall have been completed: *Provided*, That the provisions of this subsection shall be applicable to travel performed by dependents on and after the respective effective dates of the afore-mentioned subsections."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SETTLEMENT OF ACCOUNTS OF DECEASED OFFICERS AND ENLISTED MEN OF ARMY, MARINE CORPS, COAST GUARD, AND PUBLIC HEALTH SERVICE

The Clerk called the bill (S. 50) to permit settlement of accounts of deceased officers and enlisted men of the Navy, Marine Corps, and Coast Guard, and of diseased commissioned officers of the Public Health Service, without administration of estates.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, hereafter, in the settlement of the accounts of deceased officers or enlisted persons of the Navy, Marine Corps, and Coast Guard, where no demand is presented by a duly appointed legal representative of the estate, the accounting officers may allow the amount found due to the decedent's widow, widower, or legal heirs in the following order of precedence: First, to the widow or widower; second, if decedent left no widow or widower, or the widow or widower be dead at time of settlement, then to the children or their issue, per stirpes; third, if no widow, widower, or descendants, then to the father and mother in equal parts; fourth, if either the father or mother be dead, then to the one surviving; fifth, if there be no widow, widower, child, father, or mother at the date of settlement, then to the brothers and sisters and children of deceased brothers and sisters, per stirpes: *Provided*, That this act shall not be so construed as to prevent payment from the amount due the decedent's estate of funeral expenses, provided a claim therefor is presented by the person or persons who actually paid the same before settlement by the accounting officers.

SEC. 2. Section 507 (a) of the Public Health Service Act (58 Stat. 682) is amended by striking out the words "the amount due the decedent's estate is less than $1,000 and."

SEC. 3. The following statutes or parts of statutes are hereby repealed: The last paragraph under the heading "Back pay and bounty" in chapter 200, Thirty-fifth Statutes at Large, 317 (which paragraph is the fourth paragraph on p. 373), as amended.

With the following committee amendment:

Page 2, after line 24, insert the following:

"SEC. 4. The paragraph of the act entitled 'An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes,' approved June 30, 1906 (34 Stat. 750), as amended by the act of December 7, 1944 (58 Stat. 795), which related to the settlement of accounts of deceased officers and enlisted men of the Army, is amended to read as follows:

" 'Hereafter in the settlement of the accounts of deceased officers or enlisted persons of the Army, where no demand is presented by a duly appointed legal representative of the estate, the accounting officers may allow the amount found due to the decedent's widow, widower, or legal heirs in the following order of precedence: First, to the widow or widower; second, if decedent left no widow or widower, or the widow or widower be dead at time of settlement, then to the children or their issue, per stirpes; third, if no widow, widower, or descendants, then to the father and mother in equal parts; fourth, if either the father or mother be dead, then to the one surviving; fifth, if there be no widow, widower, child, father, or mother at the date of settlement, then to the brothers and sisters and children of deceased brothers and sisters, per stirpes: *Provided*, That this act shall not be so construed as to prevent payment from the amount due the decedent's estate of funeral expenses, provided a claim therefor is presented by the person or persons who actually paid the same before settlement by the accounting officers.' "

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An act to permit settlement of accounts of deceased officers and enlisted men of the Army, Navy, Marine Corps, and Coast Guard, and of deceased commissioned officers of the Public Health Service, without administration of estates."

A motion to reconsider was laid on the table.

ARCTIC WEATHER REPORTING STATION

The Clerk called the bill (S. 765) concerning the establishment of meteorological observation stations in the Arctic Region of the Western Hemisphere, for the purpose of improving the weather forecasting service within the United States and on the civil international air transport routes from the United States.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in order to improve the weather forecasting service of the United States and to promote safety and efficiency in civil air navigation to the highest possible degree, the Chief of the Weather Bureau, under the direction of the Secretary of Commerce, shall, in addition to his other functions and duties, take such action as may be necessary in the development of an international basic meteorological reporting network in the Arctic region of the Western Hemisphere, including the establishment, operation, and maintenance of such reporting stations in cooperation with the State Department and other United States governmental departments and agencies, with the meteorological services of foreign countries and with persons engaged in air commerce.

SEC. 2. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PUERTO RICAN AND HAWAIIAN 1946 SUGAR CROP; TEXAS CITY TIN SMELTER

The Clerk called House Joint Resolution 301, to amend Public Law 30 of the Seventy-ninth Congress, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. KEAN. Mr. Speaker, reserving the right to object, I would like to ask the chairman of the Committee on Banking and Currency if this bill is going to cost new money or whether the money already in the fund is going to be used?

Mr. SPENCE. Mr. Speaker, the bill merely carries forward the program of 1945 of the Commodity Credit Corporation with reference to sugar to the year 1946. The purpose of the bill is to permit the Commodity Credit Corporation to buy the sugar of Puerto Rico and Hawaii, which amounts to about 2,000,000 tons, about one-third of the total consumption of the United States, and permit the sale of that sugar. It will be sold at a slight loss, and will cost about $25,000,000, but this is absolutely essential if we are going to have an adequate supply of sugar.

There is a great shortage of sugar on the east coast, in fact there is a shortage of sugar throughout the United States, and it is the hope of the administration if this bill passes we will obtain enough sugar to meet the needs of the people of the United States. The bill was reported by the committee without objection.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I was interested in this matter and I asked Mr. Hudson when he was on the stand whether the $225,000,000 which was made available for the 1945 program would carry over for the 1946 program or whether this bill contemplated a new appropriation of $225,000,000 for the 1946 program. He gave a very definite answer to the effect that the 1946 subsidy would be paid out of the original appropriation of $225,000,000 and that there was no new money authorized in the bill.

Mr. KEAN. Under those circumstances I will withdraw my reservation of objection.

Mr. DIRKSEN. Mr. Speaker, reserving the right to object, I want to say that the testimony we had before the Agricultural Appropriations Committee with reference to this item is quite in concurrence with what the gentleman has said.

Mr. CHURCH. Mr. Speaker, reserving the right to object, the chairman of the Committee on Banking and Currency spoke of the cost being $25,000,000. Does he mean a loss of $25,000,000?

Mr. SPENCE. There will be an increase in the price of sugar at the mill, as I understand it, of a half-cent per pound. The sugar will be sold, I think, at a loss of six-tenths of a cent per pound. It is absolutely necessary to do this in order to get the supply of sugar.

Mr. CHURCH. Amounting to a loss of how much?

Mr. SPENCE. Twenty-five million dollars. There is no need for an appropriation. They have the funds already, but to be frank, I think it will cost about $25,000,000. There is another provision in here with reference to the Texas City tin smelter, which is absolutely essential in order to continue the production of tin during the reconversion period. I earnestly hope there will be no objection to the bill.

Mr. SABATH. Mr. Speaker, reserving the right to object, I have the utmost confidence, and I know the House has, in the gentleman from Kentucky, and I know that whatever he aims to do is for the best interest of the country. But I did not hear his explanation as to the cost of the sugar to the housewives.

Mr. SPENCE. It will be very, very little. I could not tell the gentleman how much the increase will amount to but it will be very little. The alternative is that the housewife will not get any sugar at all.

Mr. SABATH. And it is absolutely necessary to pay the additional amount for Cuban sugar so that the housewives can obtain it?

Mr. SPENCE. This is not Cuban sugar that we contemplate purchasing. It is Puerto Rican and Hawaiian sugar.

Mr. SABATH. And under this bill we will be able to get this sugar from our possessions?

Mr. SPENCE. That is true. This relates only to Hawaiian and Puerto Rican sugar, and this is about one-third of our national consumption, amounting to about 2,000,000 tons. The subsidy authorized by this bill to the Texas City tin smelter to continue its operation will amount to about $12,000,000 a year. The Texas City tin smelter is the only tin smelter in the Western Hemisphere. Its production has been as follows:

	Long tons
Total production Texas City tin smelter from Apr. 1, 1942 (beginning of operations) to Jan. 1, 1946	107,433
Current monthly production pig tin:	
December 1945	3,676
November 1945	3,612
October 1945	3,557
Average monthly production for last quarter	3,615
Civilian Production Administration for calendar year 1946 of domestic consumption of pig tin on a restricted basis (i e., under existing CPA controls)	70,000
The estimated monthly production of the tin smelter for calendar year 1946	3,800
This is estimated total production for 1946 [1]	45,609

[1] Approximately 65.1 percent of estimated 1946 consumption.

It is obvious the continued operation of the Texas City tin smelter is absolutely necessary for the reconversion program.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That (a) section 3 of the act of April 12, 1945 (59 Stat. 50), is hereby amended by deleting in clause (b) (3) of said section, the words "1945 crop program operations", and by inserting in lieu thereof, the words "1945 and 1946 crop program operations"; and (b) neither the last paragraph of section 2 (e) of the Emergency Price Control Act of 1942, as amended, nor the act of June 23, 1945 (59 Stat. 260), shall be construed to apply to purchases by the Reconstruction Finance Corporation of such tin ores and concentrates as it deems necessary to insure continued operation of the Texas City tin smelter; and (c) the allocations provided in the act of June 23, 1945 (59 Stat. 260), involving subsidies and anticipated losses, are hereby changed by increasing the dollar amounts provided for meat and flour by $125,000,000 and $25,000,000, respectively, and by decreasing the amounts provided for petroleum and petroleum products and butter by $175,000,000 and $75,000,000, respectively.

With the following committee amendments:

Page 1, line 7, after the semicolon, insert the word "and."

Page 2, strike out the remainder of the joint resolution after the word "smelter" in line 3.

The committee amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARINE INSURANCE

The Clerk called the bill (H. R. 1519) relating to marine insurance in the case of certain employees of the Army Transport Service who suffered death, injury, or other casualty prior to April 23, 1943, as a result of marine risks.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That effective as of March 24, 1943, section 2 (b) of the act of March 24, 1943, entitled "An act to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes," is amended to read as follows:

"(b) Whenever the Administrator, War Shipping Administration, finds that, on or after October 1, 1941, and before 30 days after the date of enactment of this subsection, a master, officer, or member of the crew of, or any persons transported on, a vessel owned by or chartered to the Maritime Commission or the War Shipping Administration or operated by, or for the account of, or at the direction or under the control of the Commission or the Administration, or operated by the Army Transport Service, has suffered death, injury, detention, or other casualty, for which the War Shipping Administration would be authorized to provide insurance under Subtitle—Insurance of title II of the Merchant Marine Act, 1936, as amended by this act, the Administrator may declare that such death, injury, detention, or other casualty, shall be deemed and considered to be covered by such insurance at the time of the disaster or accident, if the Administrator finds that such action is required to make equitable provision for loss or injury related to the war effort and not otherwise adequately provided for: *Provided*, That in making provision for insurance under this subsection the Administrator shall not provide for payments in excess of those generally provided for in comparable cases under insurance hereafter furnished under the said Subtitle—Insurance of title II, as amended: *Provided further*, That any money paid to any person by reason of insurance provided for under this subsection shall apply in pro tanto satisfaction of the claim of such person against the United States arising from the same loss or injury. The declarations, findings, and actions of or by the Administrator under this subsection shall be final and conclusive."

With the following committee amendment:

Strike out all after the enacting clause and insert "That effective as of March 24, 1943, section 2 (b) of the act of March 24, 1943, entitled 'An Act to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes,' as amended, is amended to read as follows:

"'(b) Whenever the Administrator, War Shipping Administration, finds that, on or after October 1, 1941, and before 30 days after the date of enactment of this subsection, a master, officer, or member of the crew of, or any persons transported on, a vessel owned by or chartered to the Maritime Commission, the War Shipping Administration, or the War Department or operated by, or for the account of, or at the direction or under the control of the Commission, the Administration, or the War Department, has suffered death, injury, detention, or other casualty, for which the War Shipping Administration would be authorized to provide insurance under subtitle—Insurance of title II of the Merchant Marine Act, 1936, as amended by this act, the Administrator may declare that such death, injury, detention, or other casualty, shall be deemed and considered to be covered by such insurance at the time of the disaster or accident, if the Administrator finds that such action is required to make equitable provision for loss or injury related to the war effort and not otherwise adequately provided for: *Provided*, That in making provision for insurance under this subsection the Administrator shall not provide for payments in excess of those generally provided for in comparable cases under insurance hereafter furnished under the said subtitle—Insurance of title II, as amended: *Provided further*, That any money paid to any person by reason of insurance provided for under this subsection shall apply in pro tanto satisfaction of the claim of such person against the United States arising from the same loss or injury. There shall be no recovery of any money paid on account of insurance provided for the master, officers, or members of the crew of, or individuals transported on, any vessel under this subsection or under subtitle—Insurance of title II of the Merchant Marine Act, 1936, as amended, from any person who in the judgment of the Administrator, War Shipping Administration, is without fault, and when in the judgment of the Administrator such recovery would defeat the purposes of benefits otherwise authorized or would be against equity and good conscience. The declarations, findings, and actions of or by the Administrator under this subsection shall be final and conclusive.'"

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill relating to marine insurance in the case of certain employees of the War Department who suffered death, injury, or other casualty prior to April 23, 1943, as a result of marine risks."

A motion to reconsider was laid on the table.

EXEMPTING THE NAVY DEPARTMENT FROM STATUTORY PROHIBITIONS AGAINST THE EMPLOYMENT OF NONCITIZENS

The Clerk called the bill (S. 1618) to exempt the Navy Department from statutory prohibitions against the employment of noncitizens, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, reserving the right to object, the appropriation bill for the Navy Department for the fiscal year 1946 contained a provision that none of the funds can be used to pay the wages or salaries of any person who is not a citizen of the United States. The Navy Department desires to take advantage of the knowledge and skill of certain scientists of former enemy countries and to bring them here to continue studies in various fields of military science. This bill is designed to make that possible. I read in the press that the Navy has already engaged scientists from foreign countries, have them here in this country, and apparently have made some satisfactory arrangements for paying the salaries of these people, and therefore it seems questionable whether such a bill as this is necessary.

Mr. VINSON. Mr. Speaker, will the gentleman yield?

Mr. COLE of New York. I yield to the gentleman from Georgia.

Mr. VINSON. The distinguished gentleman from New York is aware of the fact that there is a prohibition in the appropriation bill that they cannot pay salaries unless this bill is enacted into law, and this is merely extending to the Navy Department the same right that the War Department enjoys today.

Mr. COLE of New York. Perhaps the chairman of the committee can advise the House under what conditions and how it is possible that the Navy already has these scientists in this country and doing the work that they desire to have done?

Mr. VINSON. I will say, Mr. Speaker, that I read the same article in the paper, and I know of no law by which the Navy Department can pay the salaries of these scientists that are brought in, because section 206 of the Appropriation Act prohibits it, and I doubt very seriously whether the Navy Department is seeking to pay the salaries, else, they would not have this bill before the House.

Mr. COLE of New York. It is curious to me that the Navy would come to Congress asking permission to do this thing and at the same time go ahead and do the very thing that they seek permission to do.

Mr. VINSON. When the Navy Department presented the bill they stated that they were not bringing anybody here unless they had authority of the Congress. Of course, Mr. Speaker, the House should be informed of the fact that they cannot bring them in and pay them, and this is to permit these outstanding scientists to come to the country and render their aid and assistance in certain developments.

Of course, it is understood that if there is an American that can contribute what the Navy Department wants

these foreign scientists will not be brought in. So I hope the gentleman from New York will not object. He was present when the bill was considered and is as familiar with it as I am.

Mr. COLE of New York. If the gentleman will recall, since he has raised that question, it is true I was present when the bill was first considered by the committee, but the action taken by the committee in tabling it made me think no further action would be taken, so it was with some bit of surprise that I found that at a subsequent meeting of the Committee on Naval Affairs which I did not attend this bill was reported.

Mr. VINSON. If the gentleman from New York wants to exercise his right to object, of course he has the right to object.

Mr. COLE of New York. Until we can find out just what steps the Navy has taken on this subject, Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

APPLICATIONS FOR PATENTS

The Clerk called the bill (H. R. 5223) to extend temporarily the time for filing applications for patents, for taking action in the United States Patent Office with respect to the making of an invention, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Reserving the right to object, Mr. Speaker, this bill is of considerable importance and covers a wide variety of subjects relating to patents. I suggest the gentleman from Texas undertake to explain the bill so that Members may be informed.

Mr. LANHAM. The distinguished gentleman from New York is quite correct in saying that this is an important bill, but its passage should be speeded in order to protect the patent rights of American citizens, some of whom are in the armed services and whose rights have been suspended by reason of the war. In many instances the ordinary terms of protecting our inventions in foreign countries could not possibly be complied with during the war.

It also affords protection for those inventions of the Allies which were communicated from country to country during the war and kept secret but used.

The other provision of the bill is one that has already passed this House and is now pending before the Senate. That is with reference to proof of acts abroad in trying to vitiate the patents of an American citizen in this country.

I hope there will be no objection. The hearings were attended by the authorities of the War Department, of the Navy Department, of the Patent Office, and of a great many organizations in this country, without any objection being raised. They all stressed the prime importance of getting this legislation passed, and that unless it is passed and passed promptly many American inventors will lose their rights in these foreign countries.

Mr. COLE of New York. May I inquire of the gentleman whether this bill undertakes in any degree to regulate the patents or patentability or control of patents relating to atomic energy?

Mr. LANHAM. Not to my knowledge. No objection on that ground was brought to the attention of the committee.

Mr. STEFAN. Reserving the right to object, Mr. Speaker, did I correctly understand the gentleman to say that this has the approval of the Patent Office and of the Patent Commissioner?

Mr. LANHAM. It does It has the approval of the Patent Commissioner, the War Department, the Navy Department, and the various patent organizations all over the country, as well as of inventors. They all recognized the necessity of speedy legislation because American inventors are losing their rights.

Mr. STEFAN. Does the Navy Department approve of the bill?

Mr. LANHAM. I so understand.

Mr. STEFAN. Would the gentleman care to say whether this has any connection with the program of sending certain people known as scientific intelligence people to Europe by the Department of Commerce? Does this bill have any connection with that?

Mr. LANHAM. No. The purpose of this is simply to provide for those who in good faith have their inventions and could not by reason of the war file their applications for patents in these foreign countries. We are simply giving them the right within 6 months after the approval of this act to file their applications for patents in these foreign countries.

Mr. STEFAN. Has the gentleman investigated this thoroughly himself?

Mr. LANHAM. I attended all the hearings. I conducted the hearings, and the Army, Navy, Patent Office, inventors, and various patent organizations all over the country appeared in favor of this bill and stressed the importance of its prompt enactment because of the fact that American inventors are losing their rights by further delay in the matter.

Mr. STEFAN. Would the gentleman care to say whether or not this will give some encouragement to the movement of continuing international cartels?

Mr. LANHAM. There is no purpose of that kind. In other words, this makes effective at this time patent provisions which are already law, but which could not be complied with by reason of the fact that the war made it impossible to comply with them in point of time.

Mr. STEFAN. Mr. Speaker, I withdraw my reservation of objection and thank the gentleman.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. That concludes the call of the bills on the Consent Calendar.

AMENDING INTERSTATE COMMERCE ACT

Mr. BOREN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 2764) to amend section 409 of the Interstate Commerce Act with respect to the utilization by freight forwarders of the services of common carriers by motor vehicles.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. BROWN of Ohio. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. BOREN. Mr. Speaker, the purpose of the bill as my colleague well knows personally, though I realize he is asking for an explanation of the bill for the benefit of other Members, is to create a permanent status for the freight forwarders under section 4 of the Transportation Act. All during the war period this problem was pending before our committee. Because of the pressure of other business there were extensions of time of this law while we considered a proper solution. The time expires on February 16 and it becomes urgent that this matter be acted on by the House in order that the Senate may have time to conclude its action by that date. I may say to the gentleman that it is a technical question, but one on which we finally agreed upon unanimously and the committee reported the bill out unanimously after considerable work together on it. Members from both sides of the aisle have very constructively worked together on it and worked out a proper solution.

Mr. BROWN of Ohio. Mr. Speaker, I believe it should be pointed out that this measure contains amendments which were offered and accepted by the committee prior to the unanimous report of this bill by the Committee on Interstate and Foreign Commerce. In the beginning there was quite a division of opinion as to whether or not this legislation would affect line haul rates on railroads and operations also by other means of transportation. The amendments contained in the bill protect the proper interests of all forms of transportation, and yet, at the same time, will permit the freight forwarding companies to furnish the service originally intended when the general Transportation Act was enacted—furnish those services in the postwar world.

As far as I know, there is no objection to the bill. It has the unanimous approval of the Committee on Interstate and Foreign Commerce, and all those who sat on the committee.

I therefore withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 409 of the Interstate Commerce Act, as amended, is amended to read as follows:

"UTILIZATION BY FREIGHT FORWARDERS OF SERVICES OF COMMON CARRIERS BY MOTOR VEHICLE

"SEC. 409. (a) The Commission, after notice and opportunity for hearing—

"(1) Shall at the earliest practicable time determine and by order prescribe the reasonable, just, and equitable terms and condi-

tions, including terms and conditions governing the determination and fixing of the rates, charges, compensation, or divisions to be paid or observed, under which freight forwarders subject to this part may utilize the services and instrumentalities of common carriers by motor vehicle subject to part II of this act, under agreements between such freight forwarders and common carriers in such manner as will be in furtherance of the national transportation policy declared in this act; and

"(2) When it has prescribed such reasonable, just, and equitable terms and conditions, shall by order specify a reasonable time after which subsection (b) of this section shall no longer be effective; and the order or orders issued under this paragraph may, if the Commission deems it to be in furtherance of the national transportation policy declared in this act, provide for the termination of the effectiveness of such subsection (b) at different times in different territories or sections.

"(b) Subject to the authority of the Commission to terminate by order the effectiveness of this subsection, as provided in subsection (a) (2), nothing in any part of this act shall be construed to make it unlawful for freight forwarders subject to this part and common carriers by motor vehicle subject to part II of this act to operate under joint rates or charges. The provisions of part II of this act shall apply with respect to such joint rates or charges and the divisions thereof, and with respect to the parties thereto, as though such joint rates or charges had been established under the provisions of such part II, and the provisions of this part shall not apply with respect thereto: *Provided however*, That—

"(1) Joint rates or charges and concurrences contained in tariffs heretofore filed with the Commission shall become effective, without notice, as of the date of enactment of this part, unless the parties thereto file notice with the Commission, within 30 days after the date of enactment of this part, canceling such joint rates or charges and concurrences;

"(2) Joint rates or charges and concurrences, contained in tariffs heretofore offered for filing with the Commission, but rejected by the Commission, shall become effective, without notice, as of the date of enactment of this part, if filed with the Commission within 30 days after the date of enactment of this part;

"(3) Joint rates or charges and concurrences, under which freight forwarders and common carriers by motor vehicle subject to part II of this act were actually operating on July 1, 1941, may become effective, without notice, as of the date of enactment of this part, if tariffs covering such joint rates or charges and concurrences are filed with the Commission within 30 days after the date of enactment of this part;

"(4) No new or additional joint rate or charge may be established under authority of this subsection for service from any point of origin to any point of destination with respect to any particular commodity or class of traffic unless at least one rate or charge for service from such point of origin to such point of destination with respect to such commodity or class of traffic, established by an individual freight forwarder or by a freight forwarder jointly with a common carrier by motor vehicle, is already lawfully in effect; but for purposes of this paragraph the making of a change in a joint rate or charge which has been established, or which has become effective pursuant to this subsection, shall not be deemed to constitute the establishment of a new or additional joint rate or charge;

"(5) Any joint rate or charge or concurrence established, or which becomes effective pursuant to this subsection, may at any time be canceled or withdrawn in accordance with the provisions of part II of this act;

"(6) The filing of tariffs under paragraph (2) or (3) of this subsection may be in accordance with the requirements with respect to the form and manner of filing tariffs in effect under part II of this act prior to December 31, 1936;

"7. For the purpose of computing the period of 30 days prescribed in paragraph (1), (2), or (3) of this subsection, the date of mailing by registered mail shall be deemed the date of filing; and

"(8) As used in this subsection the term 'rates or charges' includes classifications, rules, and regulations with respect thereto."

With the following committee amendments:

Page 1, strike out lines 7 to 9, inclusive, and insert in lieu thereof the following:

"SEC. 409. (a) (1) The Commission shall at the earliest practicable time determine."

Page 2, lines 2 and 3, strike out "rates, charges, compensation, or divisions" and insert in lieu thereof "compensation."

Page 2, line 7, after "common carriers" and before the comma, insert "(which agreements may be required by the Commission to be subject to its approval, disapproval, or modification)."

Page 2, line 9, strike out "act; and" and insert in lieu thereof the following: "act: *Provided*, That in the case of line-haul transportation between concentration points and break-bulk points in truckload lots, such terms and conditions shall not permit payment to common carriers by motor vehicle of compensation which is lower than would be received under rates or charges established under part II of this act, except to the extent that such lower compensation is found by the Commission to be justified by reason of the conditions under which the services and instrumentalities of common carriers by motor vehicle are utilized by freight forwarders and the character of the services performed by common carriers by motor vehicle and by freight forwarders."

Page 2, lines 10 and 11, strike out "When it has prescribed such reasonable, just, and equitable" and insert in lieu thereof "The Commission, when it has prescribed such."

Page 2, after line 18, insert the following paragraphs:

"(3) The Commission is authorized, upon complaint or upon its own initiative without complaint, to investigate and determine whether, in order to carry out the purposes of paragraph (1) of this subsection, any terms and conditions prescribed thereunder should be modified or rescinded or whether additional terms and conditions should be prescribed thereunder, and, after such investigation, the Commission shall by order modify or rescind any such terms and conditions, or prescribe additional terms and conditions, to the extent it finds such action necessary or appropriate to carry out the purposes of such paragraph.

"(4) No order shall be entered under this subsection except after interested parties have been afforded reasonable opportunity for hearing."

Page 2, line 21, strike out "any part" and insert in lieu thereof "this part or in part II."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT OF FACT-FINDING BOARDS TO INVESTIGATE LABOR DISPUTES

Mr. RANDOLPH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H. R. 4908) to provide for the appointment of fact-finding boards to investigate labor disputes seriously affecting the national public interest, and for other purposes.

The SPEAKER. Without objection, the motion is agreed to.

Mr. MARTIN of Massachusetts. Mr. Speaker, a point of order. I make the point of order that there is no quorum present.

The SPEAKER. The Chair has already announced that the motion was agreed to that the House resolve itself into the Committee of the Whole House.

Mr. MARTIN of Massachusetts. But we have not gone into the Committee of the Whole. The Speaker is still in the chair, and as long as the Speaker is in the chair, we are in the House. I make the point of order that there is no quorum present.

The SPEAKER. Does the gentleman desire to object to the vote on the ground that a quorum is not present?

Mr. MARTIN of Massachusetts. I prefer not to. I prefer to make the point that there is no quorum present.

The SPEAKER. The Chair is entirely justified in saying that the House is in Committee of the Whole, because the Chair put the motion, but if the gentleman desires to have a roll-call vote, on the ground that there is no quorum present, the Chair will entertain that.

Mr. MARTIN of Massachusetts. I will do that if that is necessary, Mr. Speaker.

Mr. McCORMACK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCORMACK. Would it be in order for the gentleman to ask unanimous consent that the motion previously entered be vacated, so that he could make a point of order that a quorum is not present?

The SPEAKER. The gentleman has objected to the vote on the ground that a quorum is not present.

Mr. MARTIN of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER. The question is on the motion of the gentleman from West Virginia that the House resolve itself into the Committee of the Whole House on the State of the Union.

The gentleman from Massachusetts objects to the vote on the ground that a quorum is not present. Evidently no quorum is present.

The roll call is automatic.

The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 362, nays 6, answered "present" 2, not voting 60, as follows:

[Roll No. 18]

YEAS—362

Abernethy	Andresen,	Barden
Adams	August H.	Barrett, Wyo.
Allen, Ill.	Andrews, Ala.	Bates, Ky.
Allen, La.	Andrews, N. Y.	Beall
Almond	Angell	Bell
Andersen,	Arends	Bender
H. Carl	Auchincloss	Bennet, N. Y.
Anderson, Calif.	Baldwin, N. Y.	Bennett, Mo.

Biemiller	Grant, Ind.	Martin, Iowa
Bishop	Gregory	Martin, Mass.
Blackney	Griffiths	Mason
Bland	Gross	May
Bolton	Gwinn, N. Y.	Merrow
Bonner	Gwynne, Iowa.	Michener
Boren	Hagen	Miller, Calif.
Boykin	Hale	Miller, Nebr.
Brooks	Hall,	Mills
Brown, Ga.	Edwin Arthur	Monroney
Brown, Ohio	Hall,	Morgan
Bryson	Leonard W.	Mundt
Buck	Halleck	Murdock
Buffett	Hancock	Murphy
Bulwinkle	Hare	Murray, Tenn.
Bunker	Harless, Ariz.	Murray, Wis.
Burch	Harris	Neely
Burgin	Hartley	Norblad
Butler	Havenner	Norrell
Byrne, N. Y.	Hays	O'Brien, Ill.
Byrnes, Wis.	Hébert	O'Brien, Mich.
Camp	Hedrick	O'Hara
Campbell	Heffernan	O'Konski
Carlson	Hendricks	O'Neal
Carnahan	Henry	Outland
Case, N. J.	Herter	Pace
Case, S. Dak.	Heselton	Patman
Celler	Hess	Patrick
Chapman	Hill	Patterson
Chelf	Hinshaw	Peterson, Fla.
Chenoweth	Hobbs	Peterson, Ga.
Chiperfield	Hoch	Pfeifer
Church	Hoeven	Philbin
Clark	Hoffman	Phillips
Clason	Holifield	Picket
Clements	Holmes, Mass.	Pittenger
Clevenger	Holmes, Wash.	Poage
Cochran	Hook	Price, Fla.
Cole, Kans.	Hope	Price, Ill.
Cole, Mo.	Horan	Priest
Cole, N. Y.	Howell	Quinn, N. Y.
Colmer	Huber	Rabaut
Combs	Hull	Rabin
Cooper	Izac	Ramey
Corbett	Jackson	Randolph
Cox	Jarman	Rankin
Cravens	Jenkins	Rayfiel
Cunningham	Jennings	Recce, Tenn.
Curtis	Jensen	Reed, Ill.
D'Alesandro	Johnson, Calif.	Rees, Kans.
Daughton, Va.	Johnson, Ind.	Rich
Davis	Johnson,	Richards
De Lacy	Luther A.	Riley
Delaney,	Johnson,	Robertson,
James J.	Lyndon B.	N. Dak.
D'Ewart	Jones	Robertson, Va.
Dirksen	Jonkman	Robinson, Utah
Dolliver	Judd	Robsion, Ky.
Domengeaux	Kean	Rockwell
Dondero	Kearney	Rodgers, Pa.
Doughton, N. C.	Kee	Roe, Md.
Douglas, Calif.	Keefe	Roe, N. Y.
Douglas, Ill.	Kefauver	Rogers, Fla.
Doyle	Kelley, Pa.	Rogers, Mass.
Durham	Kelly, Ill.	Rogers, N. Y.
Dworshak	Kerr	Rooney
Earthman	Kilburn	Rowan
Eaton	Kilday	Russell
Elliott	King	Sadowski
Ellis	Kinzer	Sasscer
Ellsworth	Kirwan	Schwabe, Mo.
Elsaesser	Knutson	Schwabe, Okla.
Elston	Kunkel	Scrivner
Engle, Calif.	LaFollette	Shafer
Ervin	Landis	Sharp
Fallon	Lane	Sheppard
Feighan	Lanham	Short
Fellows	Larcade	Sikes
Fenton	Latham	Simpson, Ill.
Fernandez	Lea	Simpson, Pa.
Flannagan	LeCompte	Slaughter
Flood	LeFevre	Smith, Maine
Fogarty	Lemke	Smith, Ohio
Folger	Lesinski	Smith, Va.
Forand	Lewis	Smith, Wis.
Gallagher	Link	Somers, N. Y.
Gamble	Luce	Sparkman
Gardner	Ludlow	Spence
Gary	Lyle	Springer
Gathings	Lynch	Starkey
Gavin	McConnell	Stefan
Gearhart	McCormack	Stevenson
Gibson	McDonough	Stockman
Gifford	McGehee	Sullivan
Gillespie	McGregor	Sumner, Ill.
Gillette	McKenzie	Sumners, Tex.
Gillie	McMillan, S. C.	Taber
Goodwin	McMillen, Ill.	Talbot
Gordon	Madden	Talle
Gorski	Mahon	Tarver
Gossett	Maloney	Taylor
Graham	Manasco	Thom
Granahan	Mansfield,	Thomas, N. J.
Granger	Mont.	Thomas, Tex.
Grant, Ala.	Mansfield, Tex.	Thomason
Tibbott	Walter	Winstead
Tolan	Wasielewski	Winter
Torrens	Weaver	Wolcott
Towe	Weichel	Wolfenden, Pa.
Traynor	West	Wolverton, N. J.
Trimble	White	Wood
Vinson	Whitten	Woodhouse
Voorhis, Calif.	Whittington	Woodruff
Vorys, Ohio	Wickersham	Worley
Vursell	Wigglesworth	Zimmerman
Wadsworth	Wilson	

NAYS—6

Bailey	Green	Ryter
Eberharter	Resa	Savage

ANSWERED "PRESENT"—2

Kopplemann	Sabath

NOT VOTING—60

Arnold	Curley	McGlinchey
Baldwin, Md.	Dawson	Marcantonio
Barrett, Pa.	Delaney,	Mathews
Barry	John J.	Morrison
Bates, Mass.	Dingell	Norton
Beckworth	Drewry	O'Toole
Bloom	Engel, Mich.	Ploeser
Bradley, Mich.	Fisher	Plumley
Bradley, Pa.	Fuller	Powell
Brehm	Fulton	Rains
Brumbaugh	Geelan	Reed, N. Y.
Buckley	Gerlach	Rivers
Canfield	Gore	Rizley
Cannon, Fla.	Hand	Sheridan
Cannon, Mo.	Harness, Ind.	Snyder
Clippinger	Hart	Stewart
Coffee	Healy	Stigler
Cooley	Johnson, Ill.	Sundstrom
Courtney	Johnson, Okla.	Welch
Crawford	Keogh	
Crosser	McCowen	

So the motion was agreed to.

The Clerk announced the following pairs:

General pairs until further notice:

Mrs. Norton with Mr. Arnold.
Mr. Keogh with Mr. Bradley of Michigan.
Mr. Morrison with Mr. Crawford.
Mr. Dingell with Mr. McCowen.
Mr. Healy with Mr. Fuller.
Mr. Bloom with Mr. Harness of Indiana.
Mr. O'Toole with Mr. Brumbaugh.
Mr. Rivers with Mr. Johnson of Illinois.
Mr. Buckley with Mr. Fulton.
Mr. Courtney with Mr. Ploeser.
Mr. Gore with Mr. Reed of New York.
Mr. McGlinchey with Mr. Rizley.
Mr. Sheridan with Mr. Welch.
Mr. John J. Delaney with Mr. Plumley.
Mr. Drewry with Mr. Sundstrom.
Mr. Hart with Mr. Canfield.
Mr. Cannon of Missouri with Mr. Engel of Michigan.
Mr. Baldwin of Maryland with Mr. Brehm.
Mr. Coffee with Mr. Gerlach.

Mr. HOLIFIELD changed his vote from "no" to "aye."

The result of the vote was announced as above recorded.

The doors were opened.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H. R. 4908, with Mr. O'NEAL in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. All time for general debate has expired.

The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That this act may be cited as the "Labor Fact-Finding Boards Act."

Mr. CASE of South Dakota. Mr. Chairman, I move to strike out all after the enacting clause and insert as a substitute the text of the bill H. R. 5262.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. CASE of South Dakota moves to strike out all after the enacting clause of the bill H. R. 4908, and insert the following:

"SHORT TITLE

"SECTION 1. That this act may be cited as the 'Labor Disputes Act, 1946.'

"DECLARATION OF POLICY

"SEC. 2. It is declared to be the policy of the United States that labor disputes affecting the public interest should be settled fairly and, so far as possible, without interruption or delay in the production and distribution necessary to the public interest, and to that end it is the duty of both employers and employees to bargain in good faith. The right of labor to organize and bargain collectively with employers is one of the cornerstones of competitive enterprise. The processes of such bargaining must be protected and strengthened. Government is no less the guardian of the general welfare than of individual freedom. In a complex society warfare in one section of industry affects many others.

"Government decision should not be substituted for free agreement, but governmental machinery to promote peaceful settlement of disputes should be improved. Demands of either labor or management should be kept within the bounds of reason and fairness, and both sides must recognize the rights of the general public.

"The desired end of bargaining between management and labor is a contract. Once that contract is made, it must be equally binding and enforceable on both parties. Free collective bargaining and contracts resulting therefrom must not be nullified or destroyed by resort on either side to willful violence or unlawful possession, obstruction, or destruction of property. Collective bargaining requires that labor be on one side of the table and management on the other. The separate positions, responsibilities, duties, powers, and rights of labor and management must be maintained.

"Legislation has heretofore been enacted to guarantee the right of collective bargaining. It is equally important that legislation be enacted to protect the rights of labor, industry, and the general public in the processes of collective bargaining. Wrongful and unlawful conduct on either side is destructive of collective bargaining; and conduct in pursuit of objectives that are not proper and legitimate objectives of collective bargaining and which are detrimental to the interests of the general public are likewise destructive of collective bargaining. The use of force, violence, and compulsion are declared to be against public policy, as they violate the principles of freedom and self-government upon which our Government was formed and the purposes for which it was founded.

"To aid in the voluntary and expeditious settlement of labor disputes affecting the public interest, therefore, there are hereby established additional facilities and procedures for the application of collective bargaining, conciliation, mediation, and arbitration.

"LABOR-MANAGEMENT MEDIATION BOARD

"SEC. 3. (a) Membership: There is hereby created in the executive branch of the Government a board to be known as the 'Labor-Management Mediation Board' (in this act called the Board), which shall be composed of six or more members appointed by the President, as the President from time to time finds that the work of the Board requires. The Board shall consist of a number of members representative of employers, a like number representative of employees, and a number of disinterested members representative of the public (in this act called, respectively, employer members, employee

members, and public members). The President shall appoint, by and with the advice and consent of the Senate, a Chairman, a Vice Chairman, and Secretary of the Board from among the public members. The terms of the first Chairman, Vice Chairman, and Secretary shall begin as soon as they qualify, and expire as designated by the President at the time of nomination, one on February 1, 1948, one on February 1, 1949, and one on February 1, 1950. The terms of office of all successors shall expire 3 years after the expiration of the terms for which their predecessors were appointed; but any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of his predecessor. The President is also authorized to appoint such number of alternate public members, alternate employer members, and alternate employee members as he deems appropriate, subject to salary appropriations approved by the Congress. Upon designation by the Chairman, an alternate member may serve upon the panels provided for in section 6, and may serve as a substitute for any absent regular member in the same representative group, with full power to act as a regular member of the Board.

"(b) Terms and salaries: The members and alternate members, other than the Chairman and Vice Chairman, shall be appointed for such terms and shall receive such compensation for their services as the President shall, from time to time, determine. The Chairman shall receive compensation at the rate of $12,000 per annum; the Vice Chairman and the Secretary shall receive compensation at the rate of $10,000 per annum.

"(c) Meetings: The Board shall meet on call of the Chairman or on the written request of a majority of the Board filed with the Secretary. In the absence of the Chairman of the Board, the Vice Chairman shall be authorized to act as Chairman. The Chairman shall designate some public member or alternate public member of the Board to act as Chairman in the absence of both the Chairman and Vice Chairman. Two members or alternate members from each representative group shall constitute a quorum of the Board. The Board shall have an official seal which shall be judicially noticed.

"(d) Organization powers: The Board is authorized to employ and fix the compensation of such officers and employees not otherwise provided for, as may be necessary, within appropriations made therefor by the Congress. The Board may establish or utilize such regional, local, or other agencies and utilize such voluntary and uncompensated services and, with the approval of the President, the services and facilities of, such other departments and agencies of the Government as may from time to time be needed. The Board may delegate to any public member or alternate public member or to an executive secretary such administrative duties relating to the internal management of the Board's affairs as it may deem appropriate.

"(e) Office of the Board: The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers in any other place.

"(f) The National Mediation Board created by the Railway Labor Act, as amended by the act approved June 21, 1934 (Public, No. 442, 73d Cong.), shall hereafter be known as the National Carrier Mediation Board.

"DUTIES OF LABOR AND MANAGEMENT

"SEC. 4. (a) Employers, employees, and their respective representatives shall have the following duties in the public interest:

(1) Duty of employer: It shall be the duty of an employer to refrain from conducting a lock-out until after the expiration of 5 days from the date on which such employer or his representative has given to the Chairman of the Board the written notice of his intention so to do, containing a statement of his reasons for such intended lock-out; and if the Board within such 5 days assumes jurisdiction of the dispute, it shall be the duty of the employer to refrain from conducting the intended lock-out until after the expiration of 30 days from the date of the notice.

"(2) Duty of employees: It shall be the duty of employees of an employer to refrain from striking until after the expiration of 5 days from the date on which they, or their representatives, have given to the Chairman of the Board written notice of their intention so to do, containing a statement of their reasons for such intended strike; and if within such 5 days the Board assumes jurisdiction of the dispute, it shall be the duty of the employees to refrain from striking until after the expiration of 30 days from the date of the notice.

"(3) It shall be the duty both of employers, their employees, and their respective representatives, to withhold giving the notices provided for in this section until after other available conciliation and mediation procedures have been attempted, and the notices shall state what has been tried.

"(b) For the purposes of this section 'employer' does not include any person who regularly has in his employ less than 50 individuals.

"JURISDICTION OF THE BOARD

"SEC. 5. The Chairman, Vice Chairman, and Secretary shall determine, in the case of any labor dispute (excluding any matter coming within the purview of the Railway Labor Act), whether such labor dispute is one which substantially affects the public interest and cannot be expeditiously adjusted by collective bargaining. If they so determine, the Board shall have jurisdiction of the dispute.

"PROCEDURE FOR MEDIATION

"SEC. 6. After the Board has taken jurisdiction of a dispute, the Board, under the direction of the Chairman, shall make every reasonable effort to assist the parties to adjust and settle the dispute and make agreements for that purpose. To such end, the Board may utilize, and the Chairman may designate, a mediation panel consisting exclusively of disinterested persons representative of the public, or consisting of one or more persons representative of employers, a like number representative of employees, and a disinterested person or persons representative of the public. The persons designated may be members of the Board, alternate members of the Board, or other persons named by the Board. The chairman or mediation panel may at any time request the parties to a dispute to negotiate by collective bargaining or to meet with any representatives of the Board.

"VOLUNTARY ARBITRATION

"SEC. 7. In the event a dispute is not settled by collective bargaining or by mediation under section 6, the chairman of the mediation panel shall endeavor to induce the parties to the dispute voluntarily to submit their differences to arbitration. If the parties consent to such arbitration, they shall file with the Board a notice of the agreement to arbitrate the dispute. The award of the arbitrator shall be filed with the Board and shall be binding upon all parties consenting to such arbitration.

"MAINTENANCE OF STATUS QUO

"SEC. 8. (a) After the Board has taken jurisdiction of a dispute as provided in section 6, the Chairman, in order to effectuate the purposes of this act, shall have the power to issue an order (1) requiring any person to refrain or cease and desist from calling, or assisting in any manner, a strike arising out of such dispute; or (2) requiring the employer, who is involved in the dispute, to refrain or cease and desist from practices which change the situation existing at the time the dispute arose, or which by changing an existing situation which led to the dispute and which the Chairman deems shall be prejudicial to the prompt settlement of the dispute. No order of the Chairman or process of any court under this act shall require an individual employee to render labor or services without his consent nor shall any provision of such order or process be construed to make the refusal to work of an individual employee a violation of such order or process or otherwise an illegal act.

"(b) Such order shall be effective for such period as the Chairman shall determine, but shall in no event be effective for a longer period than 30 days from the date on which the Board took jurisdiction.

"(c) The Attorney General, at the request of the Chairman, shall petition any district court of the United States, in any State or in the District of Columbia, or the United States court of any Territory or possession, within the jurisdiction of which any person to whom an order is directed resides, transacts business, or is found, for the enforcement of such order, and for appropriate temporary relief or restraining order. Upon the filing of such petition, the court shall have jurisdiction of the proceedings, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter a decree enforcing the order of the Chairman. Notice or process of the court under this section may be served in any judicial district, either personally or by leaving a copy thereof at the residence or principal office or place of business of the person to be served. Petitions filed under this section shall be heard with all possible expedition. The judgment and decree of the court shall be subject to review by the appropriate circuit court of appeals, or by the United States Court of Appeals for the District of Columbia in the case of a judgment of the District Court of the United States for the District of Columbia, and by the Supreme Court of the United States upon writ of certiorari.

"(d) When granting temporary relief or restraining order, or making or entering a decree enforcing an order of the Chairman, as provided in this section, the jurisdiction of courts sitting in equity shall not be limited by the act entitled 'An act to amend the Judicial Code, to define and limit the jurisdiction of courts sitting in equity, and for other purposes', approved March 23, 1932, except that sections 11 and 12 of such act shall apply in cases of contempt.

"REGULATIONS OF THE BOARD

"SEC. 9. The Board shall have authority, in conformity with the provisions of this act, from time to time to make, amend, and rescind regulations providing appropriate procedures for carrying out the powers vested in it.

"MISCELLANEOUS PROVISIONS

"SEC. 10. Binding effect of collective-bargaining contracts: All collective-bargaining contracts shall be mutually and equally binding and enforceable either at law or in equity against each of the parties thereto, any other law to the contrary notwithstanding. In the event of a breach of any such contract or of any agreement contained in such contract by either party thereto, then, in addition to any other remedy or remedies existing either in law or equity, a suit for damages for such breach or for injunctive relief in equity may be maintained by the other party or parties in any United States district court having jurisdiction of the parties. If the defendant against whom action is sought to be commenced and maintained is a labor organization, such action may be filed in the United States district court of any district wherein any officer of such labor organization resides or may be found.

"SEC. 11. Violence and intimidation: (a) It shall be unlawful for any person, by the use of force or violence or threats thereof, to prevent or to attempt to prevent any individual from quitting or continuing in the employment of, or from accepting or refusing employment by, any employer, or from entering or leaving any place of employment of such employer. The district courts of the United States shall have jurisdiction, notwithstanding the act of March 23, 1932, entitled 'An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes', to enjoin violations and threatened violations of any of the provisions of this section, and by appropriate order or decree to compel compliance with such provisions. Any individual who violates any of the provisions of this section shall on and after such violation cease to have, and cease to be entitled to, the status of an employee for the purposes of sections 7, 8, and 9 of the National Labor Relations Act, or the status of a representative for the purposes of such act.

"(b) An employee whom a preponderance of the testimony taken (in appropriate proceedings before the National Labor Relations Board) shows has willfully engaged in violence, intimidation, or unlawful destruction or seizure of property in connection with a labor dispute involving his employer, or in connection with any organizational activities of a labor organization among employees of his employer, shall not be entitled to reinstatement by, or any back pay from, such employer under section 10 of the National Labor Relations Act.

"SEC. 12. Supervisory employees: (a) As used in this section the term 'supervisory employee' means an employee whose duties include—

"(1) the direction or supervision of the activities of other employees; or

"(2) the computation of the pay of other employees; or

"(3) the determination of the time worked by other employees, or the supervision or administration of the factors on the basis of which the pay of other employees is computed;

"but does not include any employee within the purview of the Railway Labor Act.

"(b) Hereafter no supervisory employee shall have the status of an 'employee' for the purposes of sections 7, 8, and 9 of the National Labor Relations Act.

"SEC. 13. Boycott and so forth: (a) It shall be unlawful (1) by means of a concerted refusal to use, handle, or otherwise deal with articles or materials produced or manufactured by any person, to induce or require or to attempt to induce or require another person to recognize, deal with, comply with the demands of, or employ members of, any labor organization; or (2) by means of a concerted refusal to use, handle, or otherwise deal with articles or materials purchased, produced, manufactured, or used by an employer, to induce or require or to attempt to induce or require such employer to recognize, deal with, comply with the demands of, or employ members of, one labor organization instead of another labor organization with which such employer has an applicable collective-bargaining agreement.

"(b) The district courts of the United States shall have jurisdiction, notwithstanding the act of March 23, 1932, entitled 'An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes,' to enjoin violations and threatened violations of any of the provisions of this section. Any individual who violates any of the provisions of this section shall on and after such violation cease to have, and cease to be entitled to, the status of an employee for the purposes of sections 7, 8, and 9 of the National Labor Relations Act, or the status of a representative for the purposes of such act.

"SEC. 14. Definitions: As used in this act—

"(a) 'Person' means an individual, partnership, association, corporation, business trust, or any organized group of persons.

"(b) The terms 'employer,' 'employee,' 'representative,' 'labor organization,' and 'labor dispute' shall have the same meaning as in section 2 of the National Labor Relations Act.

"SEC. 15. If any part of this act shall be held unconstitutional, it shall not affect the validity of the remaining provisions of the act.

"SEC. 16. There is hereby authorized to be appropriated out of the Treasury any sums necessary to the purposes of this act not otherwise appropriated."

Mr. CASE of South Dakota (interrupting the reading of the amendment). Mr. Chairman, in view of the fact that the bill has been printed and discussed heretofore, in the interest of saving time, I am willing to ask unanimous consent that the further reading of the amendment be dispensed with and that it be printed in the RECORD at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

Mr. BAILEY and Mr. HOOK objected.

The Clerk continued the reading of the amendment.

Mr. BAILEY (interrupting the reading of the amendment). Mr. Chairman, I have an amendment to offer to section 1.

The CHAIRMAN. The Clerk will complete the reading of the amendment, and then it will be open for amendment after the gentleman from South Dakota [Mr. CASE] has been recognized.

The Clerk concluded the reading of the amendment.

AN INESCAPABLE ISSUE

Mr. CASE of South Dakota. Mr. Chairman, once in a while inescapable issues come before the country. Today is one such time. The morning's paper features as its first headline that two additional walk-outs send the Nation's total of idle to 1,400,000. The story below the headline speaks of the slow strangulation of industry, the paralysis which is creeping across the country. Many might like to postpone or avoid the issues that confront us in the question here before us, but responsibility is inescapable because it exists in the very condition that prevails in the country today.

When the war was concluded everybody assumed that then we would try to get back to normal peacetime production. It does not require any recitation from me to show what the condition in the country is today. The very fact that this issue before us today is the top item of conversation and comment wherever you go, on the radio, and in the press, is evidence of the inescapability of the issue and its fundamental character.

The bill that is before us by the rule which was adopted last week seeks, primarily, to do about three things:

First, it seeks to strengthen and continue the processes of collective bargaining. It seeks to provide an opportunity for the process of negotiation and mediation to be completed without resort to strikes or lock-outs, without costly interruptions in wages and production.

Second, it seeks to establish a mutual responsibility when the collective-bargaining process has resulted in a contract.

The third aim is to attain peaceful procedures for our industrial operations in this country by discouraging and making unlikely and unprofitable the use of force and violence.

These are the basic things in the bill. As we proceed in the debate I assume that many Members will want to apply their intelligence to this particular phase of the question or that; and if some of you feel that you are called upon to voice a little criticism, or even abuse of me personally, that is not going to hurt my feelings. I have served in this House long enough to respect the integrity and good judgment and the intelligence of the individual Members and their interest in the welfare of the districts they represent. But I wish every Member of the House might read the correspondence that has come to me since this bill, H. R. 5262, has been before the country. The theme which runs through it over and over again is: This is the first ray of hope we have seen that Congress will confront the fundamental problem facing the country today. We cannot escape it. The Gallup poll said that in its survey of public opinion in the country twice as many people placed labor legislation first as the issue which would confront us in the congressional elections next fall. As we proceed here, let us try to be dispassionate. Let us consider amendments carefully. Under the parliamentary situation existing we can go into the whole field and adopt a measure that will express the intent and the will of the Congress. I am not saying this is a perfect bill, but the very fact that we propose to attack the problem apparently has caught the fancy of the country. The people want us to do something about strikes.

Mr. Chairman, men may quibble about a word here and there, but fundamentally the bill presented by the rule offers an opportunity for the Congress to say that here in the United States we are going to solve the problems of a democracy in operation. We have been giving a great deal of effort to setting up an international world order that will preserve peace and make it possible for the nations of the world to live together. Here we have an opportunity to try to set our own house in order, to provide a condition where management and labor can live together and work together for the common good.

I hope in that spirit we may approach the debate ahead of us and proceed with the perfecting and adoption of the bill H. R. 5262, which I have offered as a substitute amendment for the committee bill.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. CELLER. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. CELLER moves that the Committee do now rise and report the bill H. R. 4908 back to the House with their recommendation that the enacting clause be stricken out.

The CHAIRMAN. Is the gentleman opposed to the bill?

Mr. CELLER. Yes.

The CHAIRMAN. Does the gentleman desire recognition for 5 minutes?

Mr. CELLER. I do.

The CHAIRMAN. The gentleman is recognized.

Mr. CELLER. Mr. Chairman, this motion gives the members of the Committee an opportunity to defeat both the Norton bill and the Case bill. To my mind the Norton bill is bad and the Case bill is far worse because it takes away from labor, the Case bill, the right to strike. It shackles all workmen throughout the length and breadth of the land and would bring us back to the Danbury Hatters case days where an action was brought against the union and the members of the union, bankrupting the union as well as every member of that union. As the result of the tragedy of the Danbury Hatters case and similar cases where injunction broke labor's back we developed in this Congress remedial legislation like the Norris-LaGuardia Act and the Wagner Act; but the passage of the Case bill would destroy all the benefits of those acts and turn the hands of the clock backward.

I may say that the authors of the Case bill have the Marie Antoinette mind. They would say to labor, "If you have not bread, eat cake." They would take us back to those old days of the indiscriminate use of labor injunctions and the yellow-dog contracts. They would make two classes in this country, the herrenvolk, the master class, and the slavenvolk, words Hitler used, the slave class, as between the employers and the employees. Workers would be entirely at the mercy of industry. The right to strike would be rendered a nullity.

If you are worried a bit about the strikes now, reflect but a moment and then you will realize that only because of strikes and the right to strike were we able to do away with child labor, were we able to do away with arduous hours for women in industry, do away with 12-hour day in the coal pits and steel works. Only because of the specter of strikes hanging over the employer and the economic Bourbons of the Nation—and there are many among us here today who are economic Bourbons—were we able to wrest from management and capital social security and unemployment compensation, and only because of strikes were we able to get those boons for labor that we have. I do not advocate strikes as such. But I do not want the strike weapon taken from labor. It is labor's bill of rights.

Mr. LYNCH. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from New York.

Mr. LYNCH. Is it not a fact that the Case bill was introduced the day after the report of the Labor Committee and that no report at all was had on it?

Mr. CELLER. That is the correct situation, and it is most anomalous that we should be treated like babes in the woods and it is to be expected of us that we are to swallow a bill like the Case bill without any mature deliberation or consideration, without it even being referred or being considered by a committee of this House. That in and of itself argues ill for the Case bill. I hope, therefore, that my motion will prevail and that the bill will be referred back to the House with the enacting clause stricken therefrom.

The CHAIRMAN. The question is on the motion offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. CELLER) there were—ayes 42, noes 130.

So the motion was rejected.

Mr. ADAMS. Mr. Chairman, I offer a substitute amendment to the amendment offered by the gentleman from South Dakota [Mr. CASE].

The Clerk read as follows:

Amendment offered by Mr. ADAMS as a substitute for the Case amendment:

"That the Congress hereby declares that the objectives of this act are to avoid and diminish strikes and other forms of industrial strife or unrest, which have the intent or the necessary effect of burdening, or obstructing commerce, and to aid in attaining increased prosperity by achieving the highest degree of production at wages assuring a steadily advancing standard of living, by encouraging the acceptance of collective bargaining and voluntary conciliation, mediation, and arbitration agreements, thereby disposing of controversies between labor and management by peaceful means and discouraging avoidable strife through strikes and lock-outs.

"DEFINITIONS

"SEC. 2. When used in this act—

"(1) The term 'commerce' means trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory, or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia or any Territory or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign country.

"(2) The term 'affecting commerce' means in commerce, or burdening or obstructing commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

"(3) The term 'labor controversy' includes any disagreement, or any dispute concerning terms, tenure, or conditions of employment or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the contestants or disputants stand in the proximate relation of employer and employee; but the term shall not include any matter subject to the provisions of the Railway Labor Act, as amended (44 Stat. 577, 48 Stat. 1185, 49 Stat. 1189), or title X of the Merchant Marine Act of 1936, as amended (52 Stat. 965).

"(4) The term 'employer' includes any person acting in the interest of an employer, directly or indirectly, but shall not include the United States, or any State or political subdivision thereof, or any person subject to the Railway Labor Act, as amended from time to time, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

"(5) The term 'employee' shall include any employee, and shall not be limited to the employees of a particular employer, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor controversy or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but shall not include any individual employed as an agricultural laborer, or in the domestic service of any family or person at his home, or any individual employed by his parent or spouse.

"(6) The term 'representatives' includes any individual or labor organization.

"(7) The term 'labor organization' means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers, concerning grievances, labor controversies, wages, rates of pay, hours of employment, or conditions of work.

"CENTRALIZATION OF LABOR FUNCTIONS

"SEC. 3. It is the intent of Congress that the Department of Labor and the United States Board of Arbitration shall be the only agencies of the Federal Government to engage in the conciliation, mediation, and arbitration of labor controversies as defined in this act: *Provided*, That nothing in this section shall prohibit or limit the National Labor Relations Board from attempting to settle any labor controversy pending before it.

"BOARDS OF INQUIRY

"SEC. 4. The President is hereby empowered to create and appoint special boards of inquiry to hear the facts and issues respecting any labor controversy to the end that the factual argument of each party to the controversy may be made available to the public, whenever he deems such action desirable in furtherance of the objectives of this act: *Provided, however*, That the appointment of such board of inquiry shall not otherwise interfere with any action undertaken or to be undertaken by either party. Such board of inquiry shall be composed of such number of persons as may seem desirable to the President. No member of such board of inquiry shall be pecuniarily or otherwise privately interested in the employees or employers concerned. The compensation of members of such boards of inquiry shall be fixed by the President at an amount not exceeding $100 per day. Such boards of inquiry may be created separately for each controversy or for a group of controversies presenting similar issues and pending at the same time. The boards of inquiry shall convene promptly, shall hear the facts and issues involved in the controversy, shall prepare frequent and periodic summaries thereof, and shall promptly make available to the public the factual arguments of each party to the controversy. The hearings shall be conducted in the locality where the controversy arose, or such other place as the President may direct.

"MEDIATION AND CONCILIATION DIVISION

"SEC. 5. (a) There is hereby created in the Department of Labor a division to be known as the 'Conciliation and Mediation Division' (hereinafter called the Division), at the head of which shall be a conciliation and mediation administrator (hereinafter called the Administrator). The Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate of $12,000 per annum, together with necessary traveling and subsistence expenses, or per diem allowance in lieu thereof, subject to the provisions of law applicable thereto, while

away from the principal office of the Division. The Administrator shall not engage in any other business, vocation, or employment.

"(b) The Administrator may appoint and fix the compensation of such officers and employees and make such expenditures for supplies, facilities, and services as may be necessary to carry out the Division's functions. Without regard to the provisions of the civil-service laws and the Classification Act of 1923, as amended, the Administrator may appoint such experts, mediators, conciliators, and their assistants and fix their compensation as may be necessary to carry out the Division's functions. The Administrator may, subject to the civil-service laws, appoint such clerical and other personnel as may be necessary for the execution of the Division's functions, and shall fix their compensation in accordance with the Classification Act of 1923, as amended.

"(c) The principal office of the Division shall be in the District of Columbia, but the Division shall establish regional offices convenient to localities in which labor controversies are likely to arise. The Administrator may by order, subject to revocation at any time, delegate any authority and discretion conferred upon him by this act to any Deputy Administrator, regional director, or other officer or employee of the Department of Labor and shall do so to the extent necessary to assure the decentralized exercise of the Division's functions. The Division may utilize the services of other agencies of the Government, part-time employees, and such voluntary and uncompensated services as may from time to time be needed.

"(d) The Administrator may from time to time adopt, amend, and rescind such regulations and rules as may be necessary for the administration of the Division's functions.

"(e) The Administrator shall make an annual report to Congress through the Secretary of Labor.

"(f) Upon the appointment of the Administrator, those officers, commissioners of conciliation, employees of the Department of Labor, engaged in carrying out the conciliation and mediation functions now vested in the Secretary of Labor under the act of March 4, 1913 (37 Stat. 738), commonly known as the United States Conciliation Service, and those officers and employees of the National War Labor Board whose services in the judgment of the Administrator are necessary to the efficient operation of the Division, shall be transferred to and become employees of the Division, without reduction in classification or compensation: *Provided*, That such transfer shall not operate after the end of the fiscal year during which it is made to prevent the adjustment of classification or compensation to conform to the duties to which such transferred personnel may be assigned: *Provided further*, That such of the transferred personnel as do not already possess a classified civil-service status shall not acquire such status by reason of such transfer except (1) upon recommendation of the Administrator within 1 year after such personnel have been so transferred and certification within such period by the Administrator to the Civil Service Commission that such personnel have served with merit for not less than 6 months prior to the transfer, and (2) upon passing such suitable noncompetitive examinations as the Civil Service Commission may prescribe: *And provided further*, That no officer or employee taking such examination shall be discharged or reduced in grade or compensation pending the result thereof, except for cause in the manner provided by law. All records, papers, and property of the Department of Labor in carrying out these functions shall become records, papers, and property of the Administrator, and all unexpended funds and appropriations for such purposes shall become funds and appropriations available to be expended by the Administrator pursuant to this act. All conciliation and mediation proceedings pending before the Department and undisposed of at the time of such transfer shall be handled to conclusion by the Division.

"(g) The Administrator may recommend for appointment by the President special mediators who shall act individually or in panels, when the Administrator shall deem such appointment necessary or desirable in furtherance of the objectives of this act. Each mediator appointed by the President shall receive from the Administrator such compensation as the President may fix at an amount not exceeding $100 per day together with his necessary traveling expenses and expenses actually incurred for subsistence while serving as mediator. Mediators appointed in accordance with this subsection shall not serve as arbitrators during their service under such appointments.

"DUTIES OF ADMINISTRATOR OF CONCILIATION AND MEDIATION

"SEC. 6. It shall be the duty of the Administrator, in order to prevent or minimize interruptions of the free flow of commerce growing out of labor controversies, to encourage employers and employees to exert every reasonable effort, through their lawfully designated representatives—

"(1) to make and maintain agreements concerning rates of pay, hours, and working conditions, including, wherever possible, provision for the final adjustment of grievances or questions regarding the application or interpretation of such agreements; and

"(2) to settle all differences, whether arising out of the negotiation, interpretation, or application of such agreements or otherwise, with all expedition, wherever possible, in conference in the first instance.

"VOLUNTARY CONCILIATION AND MEDIATION

"SEC. 7. The services of the Division may be invoked by the parties, or by either party, to any labor controversy affecting commerce and not adjusted by the parties in conference in the first instance. The Division may proffer its services whenever there arises a labor controversy involving or threatening an immediate and substantial interruption to the free flow of commerce. In either event it shall be the duty of the Division promptly to put itself in communication with the parties and use its best efforts, by mediation and conciliation, to bring them to agreement.

"SEC. 8. Binding effect of collective-bargaining contracts: All collective-bargaining contracts shall be mutually and equally binding and enforceable at law against each of the parties thereto, any other law to the contrary notwithstanding. In the event of a breach of any such contract or of any agreement contained in such contract by either party thereto, then, in addition to any other remedy or remedies existing in law, a suit for damages for such breach may be maintained by the other party or parties in any United States district court having jurisdiction of the parties. If the defendant against whom action is sought to be commenced and maintained is a labor organization, such action may be filed in the United States district court of any district wherein any officer of such labor organization resides or may be found.

"UNITED STATES BOARD OF ARBITRATION

"SEC. 9. (a) There is hereby created as an independent agency in the executive branch of the Government a board to be known as the 'United States Board of Arbitration' (hereinafter called the Board), composed of three members who shall be appointed by the President by and with the advice and consent of the Senate. One of the original members of the Board shall be appointed for a term of 1 year, one for a term of 2 years, and one for a term of 3 years. Their successors shall be appointed for terms of 3 years, except that any person chosen to fill a vacancy occurring prior to the expiration of any member's term shall be appointed only for the unexpired term of his predecessor. The Board shall annually designate a member to act as Chairman. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

"(b) A vacancy in the Board shall not impair the authority of the remaining members to exercise all the functions of the Board, and two members shall at all times constitute a quorum for the transaction of business. The Board shall have an official seal, which shall be judicially noticed.

"(c) The Board may from time to time adopt, amend, and rescind such regulations and rules as may be necessary for the administration of its functions.

"(d) The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its functions at any other place.

"(e) Each member of the Board shall receive a salary at the rate of $12,000 a year, together with necessary traveling and subsistence expenses, or per diem allowance in lieu thereof, subject to the provisions of law applicable thereto, while away from the principal office of the Board on official business. Members of the Board shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment.

"(f) The Board shall make an annual report in writing to Congress.

"POWERS OF THE BOARD OF ARBITRATION

"SEC. 10. (a) The Board may appoint and fix the compensation of such officers and employees and make such expenditures for supplies, facilities, and services as may be necessary to carry out its functions. Without regard to the provisions of the civil-service laws and the Classification Act of 1923, as amended, the Board may appoint such experts, arbitrators, and their assistants and fix their compensation as may be necessary to carry out its functions. The Board may, subject to the civil-service laws, appoint such clerical and other personnel as may be necessary for the execution of its functions, and shall fix their compensation in accordance with the Classification Act of 1923, as amended. All expenditures of the Board shall be allowed and paid on presentation of itemized vouchers therefore approved by the Chairman or by any employee designated by the Board for that purpose.

"(b) The Board may utilize the services of the Department of Labor and of other agencies of the Government in accordance with section 601 of the act of June 30, 1932, as amended: *Provided*, That by agreement of the Board with the Secretary of Labor the expenses of all or part of the services rendered by the Department of Labor may be paid out of the appropriation of that Department. The Board may utilize such voluntary and uncompensated services as may from time to time be needed. The Board may by order, subject to revocation at any time, assign or refer any part of its functions under this act to any member, agency, or employee of the Board. The Board may establish suitable procedures for cooperation with State and local mediation and arbitration agencies.

"(c) The Secretary of Labor shall supply the Board with offices and hearing rooms in the District of Columbia and whenever possible when the Board's functions are exercised at any other place in accordance with section 601 of the act of June 30, 1932, as amended.

"(d) Upon the appointment of the three original members of the Board and the designation of its Chairman, all arbitration functions now performed by the Department of Labor shall be transferred to the Board. All records, papers, and property of the Department of Labor principally used in carrying

out such arbitration functions shall become records, papers, and property of the Board. All arbitration proceedings pending before the Department and undisposed of at the time of such transfer shall be handled to conclusion by the Board.

"PROCEDURE FOR VOLUNTARY ARBITRATION

"SEC. 11. (a) (1) Whenever the Board is requested to do so by both parties to a labor controversy, it shall cooperate with the parties in forming a board of arbitration in accordance with an agreement to arbitrate conforming with the provisions of subsection (b) of this section signed by the parties: *Provided,* That the failure or refusal of either party to agree to arbitration shall not be construed as a violation of any legal duty or other obligation imposed by this act.

"(2) It shall be the duty of the Board to establish a roster of arbitrators having a reputation for fairness and objectivity from which the Board or the parties to a controversy may select an arbitrator or arbitrators (as provided in section 11 (b) 3) familiar with the industrial and employment problems in the region or locality where the controversy arises.

"(3) The board of arbitration formed in accordance with the paragraph (1) of this subsection shall organize and select its own Chairman and make all necessary rules for conducting its hearings: *Provided,* That such board of arbitration shall be bound to give the parties to the controversy a full and fair hearing which shall include an opportunity to present evidence in support of their claims and an opportunity to present their case in person, by counsel, or by their collective-bargaining representative.

"(4) Upon notice from the United States Board that any party to an arbitration desires the reconvening of a board of arbitration (or a subcommittee of such board of arbitration appointed for such purpose pursuant to the agreement to arbitrate) to rule upon any controversy over the meaning or application of the award the board of arbitration or its subcommittee shall at once reconvene. No question other than or in addition to the questions relating to the meaning or application of the award submitted by the party or parties in writing shall be considered by the reconvened board of arbitration or its subcommittee. Such rulings shall be acknowledged by such board or subcommittee thereof in the same manner and filed in the same clerk's office as the original award and become a part thereof.

"(5) No arbitrator except those chosen by the United States Board shall be incompetent to act as an arbitrator because of his interest in the controversy to be abritrated or because of his connection with or partiality to any party to the arbitration.

"(6) Each member of any board of arbitration selected by any party to the arbitration shall be compensated by the party selecting him. Each arbitrator selected by the arbitrators or by the United States Board pursuant to paragraph (1) of this subsection shall receive from the Board such compensation as the Board may fix at an amount not exceeding $100 per day together with his necessary traveling expenses and expenses actually incurred for subsistence while serving as an arbitrator.

"(7) The board of arbitration formed in accordance with paragraph (1) of this subsection shall furnish a certified copy of its award to the respective parties to the controversy and shall transmit the original together with the record of the proceedings and a transcript of the evidence taken at the hearing certified under the hands of at least a majortiy of the arbitrators to the clerk of the district court of the United States for the district wherein the controversy arose or the arbitration is entered into, to be filed in said clerk's office as hereinafter provided. Such board of arbitration shall also furnish a certified copy of the award and of the record of the proceeding and transcript of evidence to the United States Board to be filed in its office.

"(8) All testimony before a board of arbitration formed in accordance with paragraph (1) of this subsection shall be given under oath or affirmation and any member thereof shall have the power to administer oaths or affirmations. Such board of arbitration or any member thereof shall have the power to require the attendance of witnesses and the production of such books, papers, contracts, agreements, and documents may be deemed by such board of arbitration material to a just determination of the matters submitted to its arbitration and may for that purpose request the clerk of the district court of the United States for the district wherein said arbitration is being conducted to issue the necessary subpenas.

"Upon such request the said clerk or his duly authorized deputy shall be, and he hereby is, authorized and it shall be his duty to issue such subpenas. In the event of the failure of any person to comply with such subpena or in the event of the contumacy of any witness appearing before such board of arbitration, the board of arbitration may invoke the aid of the appropriate district court of the United States to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements, and documents relevant and pertinent to the proceedings pending before the board of arbitration to the same extent and under the same conditions and penalties as provided for in the act to regulate commerce, approved February 4, 1887, and the amendments thereto. Any witness appearing before the arbitrators shall receive the same fees and mileage as witnesses in courts of the United States, to be paid by the party securing the subpena.

"(b) Form of agreement to arbitrate. The agreement to arbitrate—

"(1) shall be in writing;

"(2) shall stipulate that the arbitration is had under the provisions of this act;

"(3) shall specify means not inconsistent with the provisions of this act for selecting the board of arbitration;

"(4) shall be signed by the duly accredited representatives of the employer or employers and the employees, parties respectively to the agreement to arbitrate, and shall be duly verified by said parties and filed in the office of the United States Board;

"(5) shall state specifically the questions to be submitted to the said board of arbitration for decision and that in its award or awards the said board of arbitration shall confine itself strictly to decisions of the questions specifically submitted to it;

"(6) shall provide that the questions or any one or more of them submitted by the parties to the board of arbitration may be withdrawn from arbitration by agreement of all the parties on notice to that effect signed by the duly accredited representatives of all the parties and served on the board of arbitration;

"(7) shall stipulate that the signatures of a majority of said board of arbitration affixed to their award shall be competent to constitute a valid and binding award;

"(8) shall fix a period from the date of the selection of the arbitrator or arbitrators necessary to complete the board (as provided for in the agreement) within which the said board of arbitration shall commence its hearings;

"(9) shall fix a period from the beginning of the hearings within which the said board of arbitration shall make and file its award: *Provided,* That the parties may agree at any time upon an extension of this period: *Provided further,* That if the award of the said board of arbitration is not made and filed within the time agreed upon, and in the event the parties will not agree to any extension, the said board may extend the time for a period not to exceed an additional 15 days.

"(10) shall provide for the date from which the award shall become effective and shall fix the period during which the award shall continue in force;

"(11) shall provide that the award of the board of arbitration and the papers, proceedings, and transcript of the evidence when certified under the hands of at least a majority of arbitrators shall be filed in the clerk's office of the district court of the United States for the district wherein the controversy arose or the arbitration was entered into, which district shall be designated in the agreement and when so filed such award, papers, proceedings, and transcript of evidence shall constitute the full and complete record of the arbitration;

"(12) shall provide that the award when so filed shall be final and conclusive upon the parties as to the facts determined by said award and as to the merits of the controversy decided;

"(13) shall provide that any difference arising as to the meaning or the application of the provisions of an award made by a board of arbitration shall be referred for a ruling to the same board or by agreement to a subcommittee of such board and that such ruling when acknowledged in the same manner and filed in the same clerk's office as the original award, shall be a part of and shall have the same force and effect as such original award; and

"(14) shall provide that the respective parties to the award shall each faithfully execute the same.

"The said agreement to arbitrate when properly certified, as herein provided, shall not be revoked by a party to such agreement: *Provided,* That such agreement to arbitrate may at any time be revoked and canceled by the written agreement of the parties signed by their duly accredited representatives and, if no board of arbitration has yet been constituted under the agreement, delivered to the United States Board or any member thereof; or if the board of arbitration has been constituted as provided by the agreement, delivered to such board of arbitration. The award of a board of arbitration having been certified as herein provided shall be filed in the clerk's office designated in the agreement to arbitrate.

"(c) The arbitration award: (1) An award certified and filed as provided in this section shall be conclusive on the parties as to the merits and facts of the controversy. Unless within 10 days after the filing of the award a petition to impeach the award on the grounds hereinafter set forth shall be filed in the clerk's office of the court in which the award has been filed, the court shall enter judgment on the award. Such judgment shall be final and conclusive on the parties.

"(2) Any such petition for the impeachment of any award shall be entertained by the court only on one or more of the following grounds:

"That the award plainly does not conform to the substantive requirements laid down by this act for such awards or that the proceedings were not substantially in conformity with this act;

"That the award does not conform nor confine itself to the stipulations of the agreements; or

"That a member of the Board rendering the award was guilty of fraud or corruption or that a party practiced fraud or corruption which fraud or corruption affected the result.

"(3) No court shall entertain any such petition on the ground that the award is invalid for uncertainty. In such case the proper remedy shall be a submission of such award to a reconvened Board or subcommittee thereof for a ruling. An award contested

as herein provided shall be construed liberally by the court with a view to favoring its validity and no award shall be set aside for trivial irregularity or clerical error going only to form and not to substance.

"(4) If the court shall determine that a part of the award is invalid on some ground or grounds designated in this section as a ground of invalidity, the remainder of the award shall not be affected thereby.

"(5) At the expiration of 10 days from the decision of the court upon the petition filed as aforesaid final judgment shall be entered in accordance with said decision unless during said 10 days either party shall appeal therefrom to the circuit court of appeals. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said petition and to be decided.

"(6) If the petitioner's contentions are finally sustained, judgment shall be entered setting aside the award in whole, or, if the parties so agree, in part; but in such case the parties may agree upon a judgment to be entered disposing of the subject matter of the controversy which judgment when entered shall have the same force and effect as judgment entered upon the award.

"BUREAU OF LABOR STATISTICS

"SEC. 12. (a) For the guidance and information of interested representatives of employers, employees, and the general public, the Bureau of Labor Statistics of the Department of Labor shall maintain a file of copies of (1) all agreements reached as a result of mediation, conciliation, and arbitration pursuant to this act; (2) all arbitration agreements made and awards rendered pursuant to this act; (3) all statements and summaries of facts issued by the board of inquiry; and (4) any other collective labor agreements submitted for such purposes by any of the parties thereto. Such file shall be open to inspection under appropriate conditions prescribed by the Department of Labor.

"(b) The Bureau of Labor Statistics in the Department of Labor shall be authorized and equipped to furnish upon request of the Board, the Administrator of Mediation and Conciliation, employers, employees, or their representatives, all available data and factual information which may aid in the settlement of any labor controversy.

"SEPARABILITY OF PROVISIONS

"SEC. 13. If any provision of this act, or the application of such provision to any person or circumstance, is held invalid, the remainder of this act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

"LIMITATIONS

"SEC. 14. Nothing in this act shall be construed so as to interfere with or impede or diminish in any way the right to strike, or exert other lawful means, to amend or modify the provisions of the National Labor Relations Act (49 Stat. 449), or the Act of March 23, 1932, "to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity and for other purposes" (47 Stat. 70).

"SHORT TITLE

"SEC. 15. This act may be cited as the 'National Mediation and Arbitration Act of 1946'."

Mr. ADAMS (interrupting the reading of the substitute). Mr. Chairman, I ask unanimous consent that the further reading of the substitute be dispensed with.

Mr. HOOK. I object, Mr. Chairman.

Mr. ADAMS. Mr. Chairman, in probing for a bill that would meet the exigencies of the present situation in the minds of a great many Members of this House the provisions of Senate 1419 seem to appeal to a great many of us. This bill is in print and can be obtained by any Member. Many Members of the House have not been able to accept the provisions of the Case bill, particularly with respect to some of its penalty provisions. Many Members have expressed the opinion that the Case bill by no means goes to the core of our present difficulties. Certainly the present speaker owes no allegiance to that legislation, it never having come to the Committee on Labor of which he is a member. In my judgment many of the punitive provisions of the Case bill as proposed are unworkable.

In my judgment, they will only aggravate instead of improve the situation. If the bill is perfected, it still will not go into the fundamental difficulties we are presently encountering.

Technically, this Committee has a bill called the fact-finding bill before it. Nobody has stated that this is permanent, fundamental legislation which will improve the situation we now face, not even the members of the Committee on Labor. It is distinctly an emergency device. It is patchwork legislation, and it does not cure the situation in the slightest degree.

It seemed to many Members that the provisions of the bill S. 1419, after giving effect to amendments to which I shall refer, offered the possibility of an area of agreement that might appeal to those who earnestly seek positive, constructive action here, who positively and constructively want to do something to promote industrial peace so that the maximum number of jobs may be created so that the men coming home from the service may be able to find jobs instead of strike-bound plants.

The provisions of this bill seem fair to labor, and fair to industry. The bill provides a medium that has not yet been tried to the extent that it ought to be in this country for the adjudication of industry-labor disputes.

The provisions of this bill have been widely reviewed. The Legislative Reference Service has already analyzed it in a report which is available to all Members. It approaches the solution of present difficulties in the field of voluntary arbitration of strengthening the conciliation and mediation services in the Department of Labor and providing for a United States Board of Arbitration. Whenever the disputants so agree they may elect to use the services of this Board of Arbitration, and are then bound by the results of its decision.

The bill provides for a procedure under which that Board shall operate and for the form in which the disputants shall arbitrate. It seems to many Members that this bill provides the machinery that is essential at this time in order that disputants in a labor-management controversy may come to an agreement in the field of voluntary activity.

There are two amendments which have been suggested.

The CHAIRMAN. The time of the gentleman from New Hampshire has expired.

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. ADAMS. I thank the majority leader for his consideration.

The present bill, S. 1419, provides for boards of inquiry. These boards of inquiry are ostensibly fact-finding boards, appointed by the President, in order to find out the facts about any industrial dispute.

Mr. DONDERO. Mr. Chairman, will the gentleman yield for a question?

Mr. ADAMS. I yield to the gentleman from Michigan.

Mr. DONDERO. How far would that provision go? Does it mean that labor unions would have to open up their books or that management and industry would have to open up their books?

Mr. ADAMS. In the manner in which the bill was originally written, what the gentleman says is so. On the other hand, the bill has been altered to strike out the subpena power in the boards of inquiry, and that is one of the amendments to which I referred.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Indiana.

Mr. HALLECK. As the gentleman has amended the bill as introduced in the other body, would it yet permit or provide for recommendations by the board of inquiry as to what they thought the facts were or the settlement should be?

Mr. ADAMS. The bill provides for that in this language, and I quote:

> The boards of inquiry shall convene promptly; shall hear the facts and issues involved in the controversy; shall prepare frequent and periodic summaries thereof and shall promptly make available to the public the factual arguments of each party to the controversy.

That answers the gentleman's question.

Mr. RANDOLPH. Mr. Chairman, I do not believe the question has been answered. The gentleman from Indiana has been inquiring with reference to the recommendations of the Board after the facts, so-called, have been found.

Mr. HALLECK. Mr. Chairman, will the gentleman yield further?

Mr. ADAMS. I yield.

Mr. HALLECK. I do not know just how far that language may go. The things that disturbs me about it is that it would apparently provide for the degree of governmental determination and decision which to many means the destruction of the processes of free agreement arrived at through collective bargaining.

Mr. ADAMS. Well, the gentleman is entitled to his interpretation.

Another amendment is suggested which incorporates the proposition of the mutuality of agreements without the provision for injunctive relief.

Mr. BRADLEY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Pennsylvania.

Mr. BRADLEY of Pennsylvania. I wonder if the gentleman has any idea as to how many Members of the House have had any opportunity to analyze and

study his bill and reach an intelligent decision with respect to the provisions thereof?

Mr. ADAMS. May I say to the gentleman from Pennsylvania that this bill was introduced on September 20. It has been altered only in two instances. The provisions of the subpena power that are given to the boards of inquiry have been stricken out and the provision making contracts mutually binding and enforceable has been included. Other than that, the bill is exactly the same as it was originally introduced.

Mr. BRADLEY of Pennsylvania. Introduced by whom?

Mr. ADAMS. It was introduced by a Member of the United States Senate.

Mr. BRADLEY of Pennsylvania. It was introduced in the Senate of the United States, but it was never introduced in the House, and no hearings have been held on it by any House committee.

Mr. ADAMS. In my judgment, Mr. Chairman, this bill offers a constructive, sound approach to provide for the mediation, conciliation, and arbitration of labor-management controversies. I commend it to the attention of the House for it seems to me that this bill is a fair proposal; fair to labor, fair to management, and fair to the public's interest which is of paramount importance in the situation in which we find ourselves.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield in order that I may ask him a question?

Mr. ADAMS. I yield.

Mr. RANDOLPH. The gentleman is one of the most able members on our Labor Committee. He goes thoroughly into the provisions, not only of proposals on this subject, but other matters concerning labor and management.

Mr. ADAMS. I thank the gentleman.

Mr. RANDOLPH. Is the gentleman thoroughly convinced that it is the responsibility of Congress at this time to pass over-all legislation of the McMahon bill type or other proposals rather than to solve reconversion troubles as desired in the request of the President?

Mr. ADAMS. I think the Congress at this time should adopt the proposal which to it seems best fitted to provide the maximum amount of correction in the situation that we find ourselves in. I would provide furthermore for a commission composed of outstanding citizens of this country to study the effects of this or any other legislation that is passed by the House at this time, because I think any bill that comes out of these deliberations is only going to be piecemeal legislation at best.

The CHAIRMAN. The time of the gentleman from New Hampshire [Mr. ADAMS] has expired.

Mr. BARDEN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New Hampshire.

Mr. Chairman, I have noticed up to this point, and doubtless it will occur many times during the deliberations on this legislation, reference to the fact that certain legislation has not been considered by the Committee on Labor. That is regrettable, but, being a member of that committee, I know something of the operations of the committee, and I say to you that we are in a rather peculiar position at this time.

The committee comes to the floor with a bill, H. R. 4908, and, as far as I know, there is not a single member of the committee supporting it. I pause to see if I am incorrect.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. BARDEN. I yield.

Mr. RANDOLPH. I just wanted to make sure. The gentleman said, "As reported from the committee"?

Mr. BARDEN. Yes. Now, that is a very peculiar situation.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. BARDEN. No; I do not care to yield, unless the gentleman wants to admit fatherhood of this bill, and say he is supporting it.

Mr. HOFFMAN. Well, you asked a question.

Mr. BARDEN. That is right. I still do not yield. I asked a particular kind of question. I hope the gentleman will not bother me. I love the gentleman, but I want to proceed.

I am not saying this as making any attack upon the committee. I am a member of that committee. There are wide differences of opinion on the committee. When I say that no one is supporting the bill, I include myself, because I am not supporting it myself, but I voted to bring it out. The majority of the members of that committee felt that, in the light of the present situation and existing conditions in this country, and the demands of the people, some kind of a bill should come to this floor, and let the House work its will.

Now, I have heard stated on this floor on many, many occasions that we should bring in certain bills; that we should do away with the Rules Committee, and this, that, and the other thing. Members have filed discharge petitions, and come down here and shook their fists, and wanted the right to legislate on this floor. Ladies and gentlemen, you have that right and privilege now. You have a wide-open field right now in your laps.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. BARDEN. Not at this point.

Now, I hope we make the best of it. That just increases the individual responsibility in this House about tenfold. You no longer can say, "Well, now, the majority of the committee, in which I have great confidence, has passed out this legislation, and I think I will go along with the committee." You cannot travel with the committee today. You are on your own individual responsibility, and that requires that every Member familiarize himself with the three bills that have been introduced and the various amendments that will be offered.

I want to say that if we accomplish but three things we will have made considerable progress here. One is, I think we must give some dignity and some standing to a contract that results from collective bargaining.

Number two, I think we must do away with this violence and intimidation that is taking place around plants where strikes occur, tearing up property and battering in heads when strikes are in progress. Three, we should specify that no supervisory employee shall have the status of an employee for the purposes of sections 7, 8, and 9 of the National Labor Relations Act.

Down my way a gentleman's contract is binding whether it be in writing or verbal; and a gentleman who violates a gentleman's contract is no gentleman from then on; and he loses his standing. The other day when Mr. John L. Lewis was before the Labor Committee I asked him a question dealing upon the sanctity of contract. Mr. Lewis and other labor leaders call for the right to contract, the right to sit down and bargain and arrive at an agreement and go through the process of signing their names to what they then say is a binding contract. That is a right that all labor and all men and all decent people want preserved.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. RUSSELL. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARDEN. I thank the gentleman very much.

Bearing on the question I asked Mr. John L. Lewis, who was a witness before the committee, the question as to whether he wanted a contract that he entered into with an employer to be binding. Here is the colloquy that took place, here are the words spoken by Mr. Lewis and me. We had dealt upon the subject briefly before this point:

> Mr. BARDEN. Then one other question: If I get your statement correctly, you wouldn't advocate any machinery or any legislation, or any action on the part of Congress, and would not look with favor upon a decision that would make a contract by a labor union with an employer enforceable, or would make a contract between an employer and a union enforceable, from the other end?
>
> Mr. LEWIS. That is just so right, I can't add anything to it.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. BARDEN. No; I do not care to yield at this point.

Mr. GALLAGHER. O. K.

Mr. BARDEN. I do not know what else the country can do except through Congress halt any movement that might be getting under way in this United States that would treat as scraps of paper sacred contracts that have been arrived at between men sitting at a table through the right of bargaining and put their names and their seals on that paper and then for a man who claims to be and is a union leader to say that he does not want that contract to be any better than a scrap of paper. We had a war over one contract that Germany treated as a scrap of paper. Now let us not let this practice or philosophy get to the point that violating contracts is considered to be respectable or that the sacred word of a man or men does not have any standing in this country.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. BARDEN. Briefly; yes.

Mr. MAY. I wish to ask the gentleman if he does not understand that there is a provision in the Case bill relating to supervisory personnel and that Mr. Lewis' contracts with the coal miners and the operators for years and years—General Motors and all of the great industries of the country—have such a provision in them?

Mr. BARDEN. I understand that is correct; and I find more in the Case bill that I like than I do in any of the rest of the bills offered. I am rather warming up to the Case bill. If it can do the job, then all right. But the American people are calling for action. I, for one, am willing to accept my share of the responsibility involved and move forward.

I know one thing: This Congress cannot stand where it is; you are going to move in one direction or the other. The people of this country have made up their minds to that effect.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield there?

Mr. BARDEN. You can do something constructive and stay in the road, or avoid it and hit the briar bush, whichever you choose, but there is a tremendous responsibility here. So far as party vote is concerned, we better throw that out of the window and look after the welfare of the United States of America.

I am going to try as best I can to support a piece of legislation that will get this country to moving once more. Why, unemployment is setting in all the way down the line. It is cutting off the farm machinery on the farms, it is taking the washing machines away from the housewives, it is doing so much damage that you cannot realize it at this point, but it will begin to show up in a very few weeks. Whether it is going to set off another Hoover escapade or not, I do not know, but I do know that labor leaders cannot continue to shout for the right of collective bargaining, then at the same time shout for the right to disregard the bargains and contracts that they enter into. I do not see how anyone can double talk in any such way, and unless we write a bill that contains some remedies to take care of those very evils, then we are wasting our time here. The welfare of the United States of America is more important than the selfish ambitions of any organized minority.

That is going to be my aim, Mr. Chairman, and my efforts are going to be directed along that line. I sincerely hope the House will take some very definite action.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. LANDIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LANDIS to the Case amendment:

In section 12, "Supervisory employees," page 13, strike out "whose duties include" and insert "whose primary duties consist of."

In line 22, after the word "employees" insert "but who regularly do no productive manual work."

In line 23, after the word "employees" insert "and does not include persons who are selected by productive workers under established practice."

Mr. HOFFMAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOFFMAN. Are amendments to the substitute also in order at this time?

The CHAIRMAN. They are. Amendments to the Case amendment and to the Adams substitute are in order.

Mr. HOFFMAN. Will the Case bill be read by section for amendment?

The CHAIRMAN. The Case bill has already been read.

Mr. HOFFMAN. Are amendments in order at any point in the Case bill?

The CHAIRMAN. Amendments are in order to any part of the Case bill.

Mr. CASE of South Dakota. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CASE of South Dakota. May I ask, so that it will be clear to everybody, that the Chair state the order in which amendments will be voted upon?

The CHAIRMAN. Amendments to the Case bill are in order, amendments to the substitute are in order and when those two are perfected, one or the other, the substitute will be voted on first, the Case bill second.

Mr. CASE of South Dakota. Amendments to the so-called Case substitute will be voted on first?

The CHAIRMAN. They will be voted on first.

Mr. CASE of South Dakota. Before amendments are voted on in the substitute?

The CHAIRMAN. That is correct.

Mr. LANDIS. Mr. Chairman, the Congress is divided on what should be done, and therefore what it should do. This legislation will be highly important to the immediate future of the Nation. Care must be taken in shaping labor legislation because you cannot make a man work in a democracy. You cannot regulate human honesty by law. I think, however, if we take our time and amend one of these bills we might get proper legislation that will make a feasible plan to prevent strikes.

This amendment I have introduced clarifies section 12 so you really understand what a supervisory employee is. It is one of those whose primary duties consist of but regularly do no productive manual work. All of those people who do manual productive work should have a right to collective bargaining. Those who are selected by productive workers should be allowed to be organized. This is just a clarifying amendment to the definition of supervisory employees.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. LANDIS. I yield to the gentleman from Michigan.

Mr. DONDERO. Would it prevent the association of foremen which now exists in this country from the right to go to their employers through a bargaining agent and make a contract for their particular pay?

Mr. LANDIS. I would not think so.

Mr. DONDERO. Does the gentleman think they still have a right to bargain collectively if this section stays in the bill?

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. LANDIS. I yield to the gentleman from Indiana.

Mr. HALLECK. The only purpose of this section is to clarify the definition of "employee" for the purposes of the National Labor Relations Act. The Labor Board has been on both sides of the matter about supervisory employees being employees within the purview of the act. This section, if adopted as amended by the gentleman, would not prevent foremen from having an association, or joining any organization they wanted to. It simply would mean that for the purposes of the Wagner Act they would not be treated as employees and hence, specifically answering the question of the gentleman from Michigan, the foremen would still have the right to organize in any organization or association they wanted to get up and to make suggestions to their employers if they wanted to do so.

Mr. LANDIS. Unless this amendment is adopted, this section might as well be stricken from the bill.

Mr. DONDERO. That was exactly the point that I proposed to inquire about.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. LANDIS. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. I may say that the gentleman from Indiana has discussed his amendment with me in some detail, and I am convinced that it improves the definition of "supervisory employees," and as far as I am concerned I hope his amendments are agreed to.

Mr. LANDIS. I just want to make another suggestion. In the first section on page 6 there is another amendment which is of vital importance to the Committee and to the House, and that is, unless section 3 (d) is amended to exclude the Bureau of Internal Revenue and the Federal Social Security Agency, it will be similar to subpena power. You might as well give the power of subpena as to leave this section intact.

Mr. GALLAGHER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I was not allowed to speak when we had 2 days of general debate on this question, but the only thing I want to say now is that John Lewis is not a New Dealer. He is not a Democrat, and he is the only labor leader of importance in this country who during the war did not make a no-strike pledge. I object to quoting him as a representative of organized labor.

Mr. VOORHIS of California. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I was most anxious to get recognition at the conclusion of the remarks of the gentleman from New Hampshire, because I thought it important to explain to the House the manner in which his substitute differs from the substitute about which I spoke in the House on last Friday, copies of which have been available in the document

room for the last 3 days; copies of which I have here if anybody wants to see them.

I would agree basically with much of what the gentleman from New Hampshire said, and I hope to see his substitute amended in order to bring it into accord with what my bill provides. If we are not successful in accomplishing that, I shall, as soon as I am able, offer my substitute.

In the first place, the gentleman from New Hampshire includes section 10 of the Case bill in his substitute. You can read section 10 of the Case bill. Section 10 of the Case bill is modified by the amendment offered by the gentleman from New Hampshire in that he leaves out the applicability of injunctive relief. But I do not know what section 10 of the Case bill means, either with injunctive relief in it or with it out. My bill, instead of that, provides, just as the Railway Labor Act has provided during the years, for the establishment of adjustment boards throughout this country, which adjustment boards shall be appointed by the National Board of Arbitration, and whose functions it shall be to have brought before them any dispute arising out of a grievance, an interpretation of a contract, or an alleged violation of a contract. Those boards are empowered to have those cases brought before them on motion of either or both parties. They are, on the basis of hearings and development of the facts, to make a finding and award, which finding and award may be enforced in the courts by either party, if not accepted as such.

May I emphasize that these boards deal only with disputes that are legal disputes based upon the terms of contracts already signed. In my judgment, the provision in my bill is much safer, much fairer, much better tested in practice than the one contained in the gentleman's bill or the Case bill, either one.

Mr. DOUGHTON of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield to the gentleman from North Carolina.

Mr. DOUGHTON of North Carolina. May I inquire of the distinguished gentleman from California if his bill was considered by the Committee on Labor?

Mr. VOORHIS of California. My bill was not considered by the Committee on Labor, but I can submit to the gentleman the pedigree of every section of my bill. Portions of my bill, those having to do with conciliation and mediation, which are exactly the same as the one offered by the gentleman from New Hampshire, although I brought mine before the House before he did, I say resepectfuly, are taken from the McMahon bill, which was, as he says, introduced in the Senate and has been considered by the Senate committee at considerable length. However, in my bill I have changed the McMahon bill in certain respects, such as the gentleman from New Hampshire has not done. Instead of the boards of inquiry which the gentleman from New Hampshire provides for, and which, if I understand correctly, can operate any time and any place, and might, in my opinion, get in the way of the mediation and conciliation proceedings seriously, my bill provides that fact-finding boards may be appointed at the end of the time when they have attempted to settle the dispute by conciliation and mediation, upon certification by the Administrator of Conciliation and Mediation to the effect that he has failed to settle the dispute peacefully. The fact-finding boards under my bill would be boards with some standing and influence, I would hope, and might be a real influence in bringing before the Nation the facts in the case and inducing a peaceful settlement.

Another difference between my bill and that of the gentleman from New Hampshire is that his bill contains no language which states that it shall be the positive duty of employers and employees to include in their agreements provision for orderly methods of changing the agreements or the positive duty to exhaust all peaceful efforts at settlement before resorting to coercive action. My bill does contain such a provision. My bill also contains a provision that during the course of conciliation, mediation, or fact-finding there shall be no change made in the wages, hours, or conditions of employment in effect prior to the time of controversy arose. That is the language of the Railway Labor Act. It is the manner in which the Railway Labor Act through the years has succeeded in maintaining the status quo and avoiding strikes during the period of peaceful negotiation. My bill contains no compulsion, in the last analysis. It does set up a workable, complete, orderly procedure of peaceful settlement of disputes.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. LUTHER A. JOHNSON. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for five additional minutes. This bill is very important to us.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. VOORHIS of California. I am much obliged to the gentleman from Texas, and yield to him.

Mr. LUTHER A. JOHNSON. With reference to mutuality of contracts and the enforceability of contracts, what will the gentleman's bill do with reference to making both industry and labor perform the contracts they make?

Mr. VOORHIS of California. In my opinion, my bill will operate on that problem in the only really practical way that we can do it. We have here a special field of contractual relationship that over and over we have found it difficult for the ordinary court to deal with in the first instance. That is the reason we set up a number of agencies of Government, that are now in existence.

My bill takes from the Railway Labor Act and adapts as nearly as I could do it the provisions for adjustment boards which the Railway Act has had for years. I will explain once again that once a contract has been entered into, both sides or either side may if they believe that that contract has not been lived up to by the other side, or if they have a grievance under the terms of that contract, bring that grievance or that claim for failure to carry out the contract before one of these adjustment boards. The Adjustment Board takes the evidence, it decides the case, it can make a finding which is final and binding upon both parties. That award is enforceable in the court, the facts as determined by the Adjustment Board being prima facie evidence of the facts in the case. Unless we approach this problem in some such manner as that, and provide for the machinery necessary to see that justice is done all around and the real facts developed, no short cut will in my opinion do much good. I think this is the constructive approach to that problem because I believe that disputes of interest between the parties, employers and labor, ought not to be dealt with by compulsion. But when they have already signed a contract and it is only a matter of determining specifically what the terms of that agreement actually are and how they should be carried out, I believe we can use machinery such as this. I believe it has been proved workable and would be workable if adopted.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. Will the gentleman tell the House just what is in his bill, or just what can be done under his bill that cannot now be done under existing practices which now prevail and are now being pursued?

Mr. VOORHIS of California. Yes. I will say to the gentleman that the provision of my bill which I have just spoken of and which I have gone over twice already in this speech, and I do not want to go over it again, is new legislation. This provision that I have been talking about is new legislation. I will say to the gentleman that at the present time there is a conciliation service in the Department of Labor, and it has done good work. But my bill would provide for mediation services as well as conciliation to be handled by a better organized and more adequate single agency than we now have. There is at present no positive obligation, or moral duty, placed upon employers and workers to settle their disputes peacefully. There is no provision such as my bill would provide for the appointment of fact-finding boards with some established standard. Neither is there a provision for the maintenance of the status quo while the process of peaceful settlement is taking place. Neither is there any legislation presently on the statute books which sets up an agency for voluntary arbitration of labor disputes.

Mr. SMITH of Virginia. You have nothing in your bill that will enforce the 30-day period, for instance?

Mr. VOORHIS of California. I think I do, I will say to the gentleman.

Mr. SMITH of Virginia. Where—what?

Mr. VOORHIS of California. I do not propose to go out and try to arrest all members of a labor union. I do not believe you can do that nor that men can be forced to work for a private employer. What I do is to say to both sides in a controversy that the status quo shall be maintained during the process of peaceful settlement of the disputes.

That has worked under the Railway Labor Act. What it means is that during that time there will be no advantage to anybody in attempting to use force to get a settlement of the dispute.

Mr. SMITH of Virginia. I do not like to use so much of the gentleman's time, but would the gentleman yield to me again?

Mr. VOORHIS of California. I yield.

Mr. SMITH of Virginia. You know you have the 30-day waiting period under the Smith-Connally bill.

Mr. VOORHIS of California. That is right.

Mr. SMITH of Virginia. But it does not work. What is the enforcible provision behind that?

Mr. VOORHIS of California. I think the provision in the Smith-Connally Act is decidedly inferior to this provision of the Railway Labor Act because it implies an attempted compulsion which I doubt can be enforced. The provision I am dealing with on the other hand approaches the thing from the other side and says there shall be a positive duty to maintain the existing status quo. Under those circumstances, the employer can say with perfect logic, "Yes, sir; you fellows have a perfect right to strike, but it will not do you any good if you do because I am not able to change the conditions." Thus, we have a chance to maintain an avoidance of strikes or stoppages while peaceful methods of settling a dispute are at work. If it does not work, you do not try to impose by compulsion the decision of any board on any party; that is perfectly true. I do not believe you can pass a bill that will absolutely stop work stoppages from taking place. In the end the best you can do is to try to provide the machinery for them to settle the dispute peacefully.

Mr. MURDOCK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MURDOCK. At what point is this substitute in order to be offered as a substitute?

The CHAIRMAN. After the Adams substitute is disposed of. If it is unfavorably disposed of, then further substitutes will be in order.

Mr. JENNINGS. Mr. Chairman, I rise in support of the Landis amendment.

Mr. Chairman, this Landis amendment makes definite and clear who it is that comes within the purview of the language "supervisory employee." As amended, by the Landis amendment, section 12 reads:

> As used in this section the term "supervisory employee" means an employee whose primary duties consist of (1) the direction or supervision of the activities of other employees, but who regularly does no productive work.

Ordinarily, a foreman, a man who represents the employer and stands in the relationship of a vice principal to him, and for whose acts or failure to act the employer is liable, is a man who does not go out and work. He is a man who directs and supervises those who work, perform manual labor. He represents the employer. That clarifies the meaning of this section.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. JENNINGS. I yield.

Mr. MAY. The gentleman failed to use the word "manual." "Manual work."

Mr. JENNINGS. It is productive work.

Mr. MAY. Manual work.

Mr. JENNINGS. Well, I am glad the gentleman corrected me. Manual work.

So that you have clearly a definition of the supervisor who we say shall not be under the provisions of sections 7, 8, and 9 of the National Labor Relations Act.

The second amendment is simply with respect to this, as it reads:

> The computation of the pay of other employees does not include persons who are selected to be productive workers under established practice.

I take it that that amendment is simply to give workers in an establishment who select a man to represent them in timekeeping or, for instance, in the operation of a coal mine who select a check weighman. There can be no debate among men of reasonable minds as to the proposition that when management sends a man out to represent management he should not betray his trust. He is a man for whose actions the management is responsible.

I remember in my State, in 1903, the legislature required mine operators to employ certified mine foremen, but there was a provision written into the law to the effect that in the performance of his duties he should not be under the control of the mine owners. Men who prior to this act were injured through the negligence of the mine foremen could recover, but the time came when an attorney for the defendant obtained a directed verdict on the ground that the certificated mine foreman, in the performance of his duties, was not under the control of the company. Then we had to go back to the legislature and remove that provision and place the certificated mine foreman under the control of the operators.

Of course, where employees of a coal mine, or any other industrial enterprise, elect one of their own members to act for them, and keep check upon the hours recorded by the company timekeeper, or check upon the weight of coal by the company weighman, that man should not be under the control of the company.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. JENNINGS. I yield.

Mr. DONDERO. As long as the foreman in no way becomes affiliated with any union, might it not be better to strike out all of that language?

Mr. JENNINGS. I do not think so. Let him belong to a union if he wants to, but when he does, he no longer has the status of an ordinary employee and is no longer protected by sections 7, 8, and 9 of the Wagner Act. A foreman, a supervisory employee should keep faith with his employer and not be on both sides of the fence.

Mr. DONDERO. But there are provisions that they cannot affiliate with any other union.

Mr. JENNINGS. If there has been an invasion of this field of management, let us set that question at rest. This amendment does exactly that. Let us do it by law.

There should be no twilight zone in this thing. A man cannot serve two masters; either he will cling to the one or despise the other. Let us provide that he shall be true to his trust, work for the people who hire him to do a specific job; and if he goes to the other side then strike from him the bargaining rights and the protection afforded the general employees who do manual labor by the Wagner Act.

Mr. MAY. Mr. Chairman, will the gentleman yield further?

Mr. JENNINGS. I yield.

Mr. MAY. I wish to get one thing settled for the benefit of the membership. I wish to know whether or not it is true in the coal fields in the hills of Tennessee as it is in the coal fields in my district that the check weighman is always selected by the miners and is paid by the miners?

He is selected by the miners and is paid by the miners. He ought not therefore to come under the purview of this bill. He represents the miners just as surely as the mine foreman represents the operators.

This amendment should be adopted.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. CASE of South Dakota. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CASE of South Dakota. May we have a vote on the Landis amendment at this time?

The CHAIRMAN. Yes, provided there are no other amendments to be offered to it or no pro forma amendments.

Mr. DIRKSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in strict fact, the bills that are pending here, including the substitutes, do not quite go to the heart of the problem that is before the country. Sooner or later we shall be confronted with the necessity of reviewing in detail the Wagner Act which has been on the books for more than 10 years. Some of the proposals in the Case bill, properly speaking, should be incorporated in a bill amendatory of the Wagner Act and should have hearings; but I doubt very much whether we would even then go to the heart of the problem. Today we are dealing with something of a palliative, and I believe from the standpoint of consistency that the proposal that was advanced by the gentleman from New Hampshire [Mr. ADAMS] has much to recommend it. In the first place, it was well drawn, it was not hasty, and it does not have the characteristics of patchwork legislation. It bears the name not of one Member of another legislative body but of four. It has been in print altogether nearly 5 months. It was drawn only after consultation with people on both sides who have an abiding interest in this matter, and it develops a consistent approach to the problem. After the preamble and the necessary administrative details it undertakes to

formalize conciliation and mediation and then, in addition, it seeks to set up an independent arbitration board. It strikes out the subpena provision which was originally incorporated; so there is at least a consistent approach to the problem of seeking to develop bargaining contracts.

The question has been very properly raised here: If parties to a bargaining contract do disobey a contract, what about it? That was the reason section 10 of the Case bill has been incorporated in the Adams substitute; namely, the binding effect of selective bargaining contracts to make them enforceable by action in law. If other conditions ought to be incorporated such as the section on supervisory employees, the section on intimidation and abuses, the section on boycotts, that can be done to the Adams substitute as well as to the Case bill, if such is the will of the House. But I do say that the compulsory features have been kept out and that it is a forthright and very consistent approach to centralize conciliation, mediation, and arbitration procedure in the Department of Labor where it properly belongs.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. HALLECK. As a matter of fact, the so-called Adams substitute is nothing more or less than a proposal for mediation and conciliation, which is likewise covered in the Case bill. In addition, the gentleman from New Hampshire took one other section out of the so-called Case bill, that dealing with mutuality of the obligation of contract.

Mr. DIRKSEN. That is correct.

Mr. HALLECK. As to urging that the substitute offered by the gentleman from New Hampshire may be perfected, may it not likewise be said that the Case bill might be perfected in exactly the same manner?

Mr. DIRKSEN. Very definitely; that is quite obvious; but I point out that here at least is a far more consistent and well-rounded approach to the problem of first bringing the parties together, developing the contract, and then making the contract enforceable in law; and I rather like the well-rounded-out approach that is carried in the substitute of the gentleman from New Hampshire.

Mr. HALLECK. Mr. Chairman, will the gentleman yield for a further question?

Mr. DIRKSEN. I yield.

Mr. HALLECK. Did the gentleman know that a number of provisions, in fact most of them on mediation and conciliation, contained in the Case bill were once upon a time, back in 1941, adopted by the House of Representatives by an overwhelming vote?

Mr. DIRKSEN. That is very conceivably true. I have one abiding interest in this matter and that is that whatever we do may be fair to both sides; secondly, whatever we do will have at least a decent chance of being enacted into law. There is an awful futility and frustration about racing up and down this floor, brandishing your fists in the air and orating on various sections that pertain to labor, the public, and management only to find that they go into a pigeonhole in another body. Perhaps we should be unmindful to what another body may do but the fact is it is a part of the legislative branch of the Government and it must conjoin in anything we do before it can be inscribed on parchment and become an enrolled bill.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. Was not the so-called Adams substitute first introduced in the Senate and has it not been laying over there in a pigeonhole since the 20th of last September?

Mr. DIRKSEN. That is exactly so. It gives point to the fact if we are not fair and wholly discriminate in the kind of thing that we undertake to perfect here today it will meet a similar fate.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. THOM. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I wish to direct my remarks to section 10 of the Case bill which seeks to give the right to unions to sue and be sued and to enforce collective-bargaining contracts either in equity or by suit in damages.

In section 10 the Case bill seeks to make labor unions legally responsible and gives the right of enforcement of collective-bargaining agreements either in equity or by suit for damages in the United States courts.

Notwithstanding popular thought to the contrary, labor unions can now be sued in State and United States courts, and damages collected for breach of contract.

The old theory that a labor union, because it is a voluntary organization, cannot sue or be sued has generally been discarded. As far back as 1932, 20 States permitted unions to be sued in their common name, including, I may say, most of the large industrial States where labor unions are important factors in labor relations. Since then, I understand that most of the other States have fallen in line.

I next assert that if a collective labor contract or agreement is properly drawn, damages can be asked if its terms are breached.

In a book entitled "Labor Policy of the Federal Government," issued in 1945 by the Brookings Institution, Harold W. Metz, the author, says:

> Collective agreements in most jurisdictions are generally regarded as legally binding contracts.
>
> Such agreements contain promises of the union not to strike or to picket and promises of the employer not to hire nonunion employees. These different obligations generally will be enforced if the right party brings the action.

In a document of the United States Department of Labor, The Law Behind Union Agreements, by David Ziskind, we find the following discussion of the subject:

> It is now possible to make a collective bargaining agreement that will be enforceable in the courts just as other contracts. Many of the early union wage scales in schedules of hours were not considered binding agreements. They were written as simple statements of what workers were to be paid and what hours they were to work. When some of the workers sought to enforce these terms in the courts, they were not able to do so. The courts said that the statement of union wages and hours was merely a gentleman's agreement, or a one-sided memorandum, and it was not intended to be a contract. Also unions were unincorporated associations and the courts had not yet established the power of such organizations to make contracts. But these difficulties have been overcome, or at least they can now be overcome, if the parties concerned wish to make a binding contract and wish to make it binding for themselves and for their members.

In a statement during this debate on this floor I find the following:

> A manufacturer who makes a contract with a labor union must have confidence in the performance of that agreement in order to plan his operations. Yet the union may breach its contract and management has no redress in law, although the union is free to resort to all legal processes as well as illegal pressure to enforce the same contract.

I think I have proven by experts that the above statement is without foundation.

Yet the newspapers, the radio commentators, and Members of Congress continue to repeat it, and the public at this stage, at least, believes them.

What new remedy, then, does the Case bill provide in section 10?

The answer is that the chief purpose of section 10 of the Case bill is to permit a party to a dispute to bypass the State courts and thus carry his cause of action to a forum, a United States district court, far away from home.

Advocates of States' rights and home rule in this body for years have been talking about centralization as the great peril of American Government, yet today we see them here as authors and defenders of the Case bill that would usurp, in effect, the rights of local courts to decide issues in their own localities.

Most of the talk about labor union responsibility rises now as a result of the so-called no-strike clause contained in collective bargaining agreements. The Case bill obviously hopes to secure enforcement through damage suits. However, the end result of this might be that the unions would exclude no-strike clauses from their agreements. Thereby would be lost the benefits now derived from the hundreds of contracts that contain no-strike sections which are obeyed.

Mr. HOOK. Mr. Chairman, I move to strike out the last word.

Mr. MAY. Mr. Chairman, will the gentleman yield so that I may propound a parliamentary inquiry?

Mr. HOOK. I yield to the gentleman from Kentucky.

Mr. MAY. As I understand the situation, Mr. Chairman, there are two substitutes pending—the Case substitute and the substitute to that. Should it not follow that when an amendment to either of the substitutes has been considered that it ought to be voted on before we continue to debate the substitute?

The CHAIRMAN. The parliamentary situation is this: That the Case bill is the first amendment to the Norton bill. The Adams substitute was offered, and both the Case amendment and the Adams substitute are subject to amendment.

Mr. MAY. I do not think the Chair got my point.

The CHAIRMAN. The gentleman from Indiana has offered an amendment which is an amendment in the second degree. Therefore no amendment other than pro forma amendments will be received to the Landis amendment, because they would be amendments in the third degree. The amendment offered by the gentleman from Indiana will be voted on as soon as the pro forma amendments are disposed of.

Mr. HOOK. Mr. Chairman, right at this time I want to call the attention of the House to a little further reading of the hearings before the Committee on Labor. My good friend the gentleman from North Carolina [Mr. BARDEN] read a question and part of an answer by John L. Lewis. I think it in order to have the matter fairly and honestly before the House and have the full answer of Mr. Lewis, which should have been read. Let me read it again:

Mr. BARDEN. Then one other question: If I get your statement correctly, you wouldn't advocate any machinery or any legislation, or any action on the part of Congress, and would not look with favor upon a decision that would make a contract by a labor union with an employer enforceable, or would make a contract between an employer and a union enforceable, from the other end?

Mr. LEWIS. That is just so right I can't add anything to it.

Right there the gentleman stopped. He did not read the rest of the answer. The rest of the answer is this:

And I want to say this: One of the reasons I wouldn't is that such legislation would destroy every existing labor organization in this country. There is no reason why any employer couldn't hire himself a gumshoe detective or operator and put him in any local union in any village or community in this country and let him gain the confidence of the men by serving there awhile, while he buttered them up with words that were sweet in his mouth until he inveigled them into a situation where they go on an illegal strike and cause damage, and the central organization of that union would be held responsible for the acts of that agent provocateur. Now, is that what you want, so that you can hire a Pinkerton detective and send him to my local union and raise hell up there and defame labor? I am against it.

Mr. BARDEN. That is what I wanted to find out.

Mr. LEWIS. You certainly found out.

That is the testimony. I think that it is rather unfair to this House for the gentleman from North Carolina to mislead the Members by only giving part of the testimony. I trust you will read the testimony of William Green, president of the A. F. of L., where he says that he believes that the sanctity of contracts should be inviolate, and proves rather conclusively that there has been no violation on the part of any major labor organization. He also emphasizes that it is not workable because of the fact that these gumshoe detectives that are being hired can bring about the violation of a contract. Philip Murray, president of the CIO, also makes this point clear. Good faith on the part of both is the only way you are going to have contracts held inviolate. Until it is shown that there are violations of contracts by labor unions, Members should not be criticizing the way they are. It is very unfair and misleading.

Mr. LANDIS. Mr. Chairman, will the gentleman yield?

Mr. HOOK. I yield to the gentleman from Indiana.

Mr. LANDIS. Is the gentleman opposed to my amendment to section 12?

Mr. HOOK. I certainly am.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. HOOK. I yield to the gentleman from Indiana.

Mr. HALLECK. Does the gentleman favor the Adams substitute as against the so-called Case bill?

Mr. HOOK. I certainly do not.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield further?

Mr. HOOK. I yield.

Mr. HOFFMAN. "Until there are wholesale violations." Does the gentleman call the steel strike a wholesale violation?

Mr. HOOK. The steel strike is not a violation and the steelworkers are not striking in violation of the contract. That is another illustration of subterfuge and propaganda. Eighty-three million dollars is being spent with the newspapers and radio of this country by the steel corporations leading the public to believe that the steelworkers are striking in violation of the contract, which is not true. They quote only part of the contract. They quote only that part which refers to the no-strike clause. They do not quote the whole contract. One little clause saying that "the workers agreed not to strike" is run in full-page advertisements in all daily papers. They agreed not to strike if there was no change in the basic-wage policy. There was a change in the basic-wage policy, but that part of it was not carried in the propaganda that was spread throughout the United States by the steel corporations to the tune of about $83,000,000. I wonder when we are going to stop that kind of propaganda going around this country. In other words the steel corporations are yelling to the high heavens that the labor organizations are striking in violation of their contracts which is an untruth and a misrepresentation of the facts. Still some of you gentlemen believe the steel corporations' pernicious propaganda. I invite you to call on Philip Murray, president of the United Steelworkers of America, for the text of the contract and after reading it you will find that there has been no violation on the part of the unions.

These steel barons have given up the old black-jack, shooting, poison-gas tactics of the robber baron days, and have adopted a new and modern bludgeoning program by using the public-relations man. The United Steelworkers of America should have the right to sue these steel barons for malicious mischief because of the low-down, dirty tactics that they are using to mislead the unsuspecting public. Let me say in closing "the truth will make us free." Let us have the truth and things will take a turn for the better. We have not been getting the truth from the full-page ads paid for by these steel corporations.

Mr. CASE of South Dakota. Mr. Chairman, I am very reluctant to make the point of order that pro forma amendments on the Landis amendment are amendments in the third degree. I think it is helpful to have this discussion. However, I wonder if we cannot have an agreement to close debate shortly, and I ask unanimous consent that all debate on the Landis amendment close in 10 minutes.

Mr. RANDOLPH and Mr. BIEMILLER objected.

Mr. CASE of South Dakota. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CASE of South Dakota. Are amendments to the Landis amendment amendments in the third degree?

The CHAIRMAN. The Chair will state to the gentleman from South Dakota that the Chair is well aware of the fact that a pro forma amendment is technically an amendment in the third degree where they are offered to the Landis amendment. The Chair has hesitated to so rule because the Chair feels that the Members want to speak on this bill.

Mr. CASE of South Dakota. I am not going to make the point of order. I want to see the discussion proceed, but I do think there should be a reasonable limitation on the discussion.

The CHAIRMAN. The Committee has the power to close debate, and, of course, that will stop within a reasonable time the offering of pro forma amendments. The amendment now pending is the Landis amendment, and the gentlemen are being recognized for pro forma amendments.

For what purpose does the gentleman from West Virginia rise?

Mr. RANDOLPH. Mr. Chairman, I rise simply to say that it is my desire, of course, and certainly the desire of others of the Committee on Labor and the Committee of the Whole House on the State of the Union to allow debate to proceed in orderly fashion. It is well recognized, and everyone senses the importance of this matter. We would make a mistake if we attempt to cut off debate at this time.

Mr. O'HARA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. O'HARA. Mr. Chairman, I have an amendment which is not an amendment to the Landis amendment but to the Case bill. When will it be in order to offer my amendment?

The CHAIRMAN. When the Landis amendment is disposed of the Case bill will be open to further amendment.

Mr. STEWART. Mr. Chairman, I move to strike out the last five words. Mr. Chairman, I observe that amendments and substitutes and substitutes to the amendments are running riot. There have been the greatest strategic moves here on the part of the opponents to confound and confuse us against the Case substitute beyond anything I have yet witnessed in this House. There is just one way for us to do what the people want in this country, and that is to eliminate everything but the Case substitute and then vote the Case amendment straight. There are 100,000,000

people in the United States of America whose welfare is paramount to labor and industry, and they should, according to their being a great majority, have first consideration, for they have the majority of the votes and elect a majority of the Members of Congress. It has been said here in this well during general debate on this bill that we from the country should listen to the city folks. Well, I want to tell you we have listened to them just about a little too long. When we take our commodities to market, the price paid by the consumer is 3 to 10 times what it was when they left our fields for market. The margin of profit to take care of members of the union and fees for union-labor leaders is just too high. It is time to call a halt. You may argue that if we vote the Case substitute, contrary action will be taken by the other body. But let us clean our own noses and bare our own breast to a public that is ready to stop these strikes and get into production enough equipment and enough material to build a few houses and to put a few clothes on the backs of our returning servicemen. I know that every one of you know this legislation is needed—and may I say much stronger legislation is needed.

I, like many of the others here, would like to make it much stronger, but I am willing to accept the Case substitute. But let us not impair it and dismember it and maim it to the point where it becomes meaningless by the adoption of any of the amendments or substitutes offered. Let us take it as it is, and strike down every change that affects it in any way. I know that we have a well-organized group which understands labor legislation. I know that the rest of us have to do a great deal of study in order to inform ourselves of the various workings of the labor laws and their administration. Yet, I know, as an average citizen of America, that labor should not have an advantage over anybody else in this country. That is exactly what labor has. By the vote of the Wagner Act and the interpretations of it by our courts, they are the privileged people of America. We have had to stand the gaff. There is going to be an awakening, because the American people have always righted wrongs when the administration of any law leaned too far to the left or showed partiality to any group. Whether it will be in this session of Congress by the passage of this bill or in the next session of Congress, I am not in a position to tell you—but one thing I do know: The people of America will arise in their wisdom and issue an edict at the polls to put all groups on an equal. The American public is tired of the answers they have been receiving from some of their Congressmen. I have seen statements in the press by some of my colleagues as to how strong they are for cleaning up, but their votes and actions do not reflect the statements given out.

Let me say again, if we will go straight down the line for the Case substitute and send it to the Senate and let them take what action they may, we will say to the American public that the House of Representatives is for cleaning up the strike situation and giving a hundred million folks who are affected by having to pay the bill in taxes and suffering with no opportunity to buy long awaited items, homes, and much needed merchandise. The 100,000,000 people are the ones who bought most of the war bonds and contributed most to mercy organizations. I predict that it will not be too long until the average unorganized person is going to be compelled to organize politically to combat the labor unions and the big industrial organizations. When they take the government in hand they will equalize the gains with labor, all of which is just and right. I do not mean at the expense of organized labor, but just and righteous gains that all the rank and file of the majority of our citizens ask for and I believe such was the thought and idea of our forefathers. Organized labor should be fair to the point of helping to sponsor the Hobbs bill now in the Senate to prevent the pushing over of trucks and forcing farmers to pay tribute before they can drive their trucks to market in New York City. If organized labor does not, they will lose that and many other things.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. STEWART] has expired.

Mr. PLOESER. Mr. Chairman, I move to strike out the last six words.

Mr. Chairman, I think there are certain fundamentals which must be acknowledged by industry and labor and the public. For example, a man has a right to say that he will not work unless conditions are satisfactory. Therefore, men—laborers—have a right to strike. I think that is fundamental, and I do not believe that that right can be abridged by law. I think, likewise, that a man has a right to say that he can quit business. That has been generally accepted, and if that right is to be acknowledged by all, then the man who wishes to quit work has the same right.

I think there is another fundamental, and that is the right upon the part of business to earn a profit. If we are to continue our free competitive profit system—and I think that we must if we are to be prosperous—then business has a right to earn a profit.

I think it is further folly to say that wages do not affect prices. That's usually just political talk. No one believes such obvious falsehood—certainly I hope no one does. Wages inevitably affect prices, and if we are to have general wage increases, we are likewise to have general price increases.

I think it further a fundamental, due to the fact that it has been accepted by Americans generally, claimed by labor, accepted by the lawmakers, and accepted by business, that labor has the right to collective bargaining. I think it is now a generally accepted American concept in labor relations.

Now, there are some other fundamentals which I think should be written into law. I do not think it is necessary to write further into law the things I have discussed.

Union responsibility is one. That is based upon strong belief which I have, and I found in some mature labor leaders, and I found also among management, that both parties to a contract must both be responsible.

Some labor leaders claim that their unions have always lived up to their wage agreements until their expiration and in no way have ever prejudiced the contract; but there must be responsibility, because there are immature labor leaders, just the same as there are immature managers of business.

Mr. Chairman, I would like to go back to the discussion of section 12 of the Case substitute, for which there is an amendment before the House.

Section 12 of the Case substitute, if carried to the extreme, could be the means by which any labor union in any plant could be utterly defeated in its membership. While I hold there should be contract responsibility and want to legislate to that extent; while I hold there should be some form of conciliation and mediation which would bring us to the point of industrial peace, I am not interested in the creation of law for the persecution and destruction of labor unions in America.

I do not think the Landis amendment provides a sufficient remedy. It is predicated on an attempt to define what work a superintendent does, instead of to define what responsibility he holds. If the Landis amendment should be defeated, I propose to offer another amendment to the same section, which would read as follows after line 20:

> Any supervisor with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or affirmatively recommend such action.

To take the place of the definition now in section 12. If the Landis amendment should prevail, I intend to offer an amendment to delete section 12 from the Case substitute entirely, because, unless the definition is proper and fair, it has no place in law.

I now yield to the gentleman from Indiana.

Mr. LANDIS. I just wanted to ask the gentleman if any definition is not better than the one now in the bill.

Mr. PLOESER. I think yours is an improvement on the bill, but I think what I have just read to be the better amendment. I believe there should be a clear definition between management and labor, if it is to contribute anything at all to effective collective bargaining. I am in agreement with that. The definition should be clear and not destructive of either labor unions or management.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. PLOESER. I yield.

Mr. HOFFMAN. Inasmuch as most of us are all trying to get to the same destination, would it not have been a nice thing if those who are in charge of this legislation would have consulted some of us and let us put our little two cents in too? Perhaps we would not have had any amendments.

Mr. PLOESER. I have been here 5 years. I imagine the membership in all the time I have been here has been making suggestions to the Labor Committee of various corrections in labor legislation, but in the 5 years that I know of this is the first time the Labor Committee

has brought out anything, even though it be just a little peep.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield there?

Mr. PLOESER. Gladly.

Mr. HOFFMAN. As a member of the Labor Committee I do not recall ever having received a single suggestion from anyone on the Republican side about legislation before our committee.

Mr. PLOESER. Neither do I recall that the gentleman is the sole member of the Labor Committee.

Mr. HOFFMAN. Well, ask the rest of them; they are all here.

Mr. PLOESER. Now, Mr. Chairman, getting back to the point again, if the Landis amendment is voted down I shall be most happy to offer this amendment which I think is a fair definition. Otherwise I shall be inclined to move to strike the section from the bill.

Mr. HOOK. Mr. Chairman, will the gentleman yield?

Mr. PLOESER. I yield.

Mr. HOOK. As I understand, the gentleman does not believe the Landis amendment properly defines it.

Mr. PLOESER. It is a partial improvement, but still not in my opinion a proper definition.

Mr. HOOK. Does not the gentleman know that it is up to the National Labor Relations Board to determine that subject and not within the purview of the Congress?

Mr. PLOESER. Does not the gentleman know that the language of my amendment is the language of the National Labor Relations Board? It is not original with me.

Mr. HOOK. There are so many amendments talked about from the floor that it is pretty hard to know just what state the bill is in.

Mr. PLOESER. Then the gentleman certainly can vote for my amendment.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. PLOESER. I yield.

Mr. MAY. Is the language the gentleman is offering as the language of the National Labor Relations Act the same language on which the board has decided three different ways?

Mr. PLOESER. Yes; they have decided various ways, but I offer the language of the one way which I would assume to be the right way.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. PLOESER. I yield.

Mr. HALLECK. The gentleman from Michigan makes the point that it is a matter for the National Labor Relations Board. It is not an obligation of the National Labor Relations Board to construe and administer the language of the statutes enacted by the Congress?

Mr. PLOESER. Absolutely.

Mr. HALLECK. The fundamental responsibility for the underlying act is upon the Congress of the United States.

Mr. PLOESER. That is right. It is certainly not the duty of the Congress to follow the National Labor Relations Board; it is the duty of the National Labor Relations Board to administer the acts of Congress and enforce them.

Mr. MAY. And in view of the fact that the Labor Board itself has been on both sides of this matter of interpreting and applying the word "employee" in the Wagner Act, does it not follow that the Congress of the United States should clarify that meaning?

Mr. PLOESER. That is my attempt.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BRADLEY of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, we are rapidly developing into the same state which existed when this House passed the Smith-Connally bill. Those of us who were here at that time will recall that one substitute followed another in such rapid order that the members of the committee handling the bill had to inquire of the Chair as to what they were considering. We passed that bill without the House knowing anything about what it was voting on, and then in a few months even the most ardent advocates of the Smith-Connally bill were denouncing it and saying that it contained provisions that were unwise. That is exactly the situation we have here today. We started off with the Norton bill, then we had the Landis bill, and suddenly last week from under some mysterious wraps we got the Case bill. Now we have the McMahon bill from the Senate, the Adams bill, and then I am told the gentleman from California [Mr. VOORHIS] also has a bill; and I see Member after Member rising and asking the Chair what we are getting ready to vote upon.

Now, Mr. Chairman, I want to refer for just a minute to what was said by my good friend the gentleman from Oklahoma [Mr. STEWART] who referred to the boys from the big cities. He said they were tired of listening to us, that we were out to do a job on the farmer. He inferred that. I will submit that the record shows that there has been no group in this House that has supported legislation for the betterment of the farmer and particularly for the betterment of the farmer from his section of the country, the Cotton Belt, than the gentlemen from the big industrial cities.

I can recall when the president of the American Farm Federation, Mr. O'Neal, who last week broke into print in another great denunciation of labor and labor leaders, on three or four occasions came to me and to other Members from the industrial sections of this country begging our support for cotton bills, and he always got that support.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. BRADLEY of Pennsylvania. I yield to the gentleman from New York.

Mr. MARCANTONIO. As a matter of fact, it was the votes of Members from the cities that put over parity back in 1939, was it not?

Mr. BRADLEY of Pennsylvania. Absolutely. Always we came to their aid. It is strange that all these great critics of labor come from sections of the country where they have never seen a shipyard, a steel mill, or blast furnace. Some of these people think that a blast furnace is some vociferous platform orator. That is what they think a blast furnace is, because they have never seen one.

Let us take the gentleman from South Dakota [Mr. CASE], for instance, whose name is on one of these substitutes. The great industry today in South Dakota is raising sagebrush, yet he comes in here with a bill that only lacks an amendment to repeal the Bill of Rights to answer the prayer of every reactionary in the United States.

I think it would be more important if this House, instead of getting confused as it undoubtedly is now, would follow the idea that was stated last week by the distinguished chairman of the Ways and Means Committee, the gentleman from North Carolina [Mr. DOUGHTON]. I believe I am correct in saying that he was quoted in the press to the effect that he thought we should give some consideration to the cut-back and refunds in taxes to see if these corporations could afford to be idle and finance strikes, yet still make as much money as though they were working at full production. I think that is the important issue before this country. The labor unions do not have hundreds of thousands of dollars to pay to newspapers to propagandize their particular point of view. They do not have that money; but, nevertheless, the American people are getting wise to what this Congress did in the tax bill, and they are beginning to understand that when we passed that tax bill we financed these strikes and made it possible for a corporation to make money by being idle the same as they would if their employees were engaged in production.

Mr. DOUGHTON of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. BRADLEY of Pennsylvania. I yield to the gentleman from North Carolina.

Mr. DOUGHTON of North Carolina. The gentleman talks about tax cutbacks. But if the corporations broke even they would not get any money, they would not get any draw-back. That particular provision was recommended by the Treasury Department and put in by our committee, and it has been grossly misrepresented at times. They get no cut-back unless they make money, and they may lose money.

Mr. BRADLEY of Pennsylvania. I understand the gentleman himself was so concerned about it that he thought the Congress ought to look into the situation.

Mr. Chairman, I hope this House does not do what it did when it passed the Smith-Connally bill. I hope it does not act in this confused state of mind and later regret what it did.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

The question is on the Landis amendment.

The question was taken; and the Chair being in doubt, the committee divided; and there were—ayes 109, noes 65.

So the amendment was agreed to.

Mr. HOFFMAN. Mr. Chairman, I offer an amendment to the Case amendment.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN to the Case amendment: Page 8, line 7, after the word "substantially", insert "obstructs or interferes with interstate of foreign commerce or."

Mr. HOFFMAN. Mr. Chairman, in my judgment the gentleman from Illinois [Mr. DIRKSEN], stated a proposition with which I think two-thirds of the Members of this House will agree if they consider the situation. Piling one blanket legislative act on another will never solve our labor troubles. The basic act is the National Labor Relations Act; defects in that are at the bottom of our trouble. There is no reason why we should not have, in the years gone by, cut out the bad features and amended that act as the defects became apparent. But we did not do it. So here we are—caught in this dilemma. There is not a thing in any of these bills which have been offered here today except fact finding and mediation which have not been offered time and again by way of amendment to the National Labor Relations Act. What I mean is this, that if you will examine last Friday's RECORD, you will find there in parallel columns the National Labor Relations Act, and you will find proposed amendments to that act. Amendments which will take care of violence on the picket line, which will take care of boycotts, take care of secondary strikes which will take care of violations of contracts, which will do everything that the Case bill or any of the other substitutes would do, except there is no amendment covering fact finding or conciliation nor do the proposed amendments give the district courts jurisdiction; they do not repeal that Norris-LaGuardia Act which is so dear to the hearts of my friends on the other side. We let that alone. We want to satisfy you some way if we can, and still get what we want. Nor do the proposed amendments touch the provisions of other laws which exempt unions under certain circumstances from the provisions of the antitrust acts.

It is not my purpose here to urge the adoption of those amendments at this time, because I realize that it is foolish to ask the House, sitting in Committee, to take amendments, 10, 15, or more of them, amendments which, among other things, define unfair labor practices. I only refer to the RECORD of last Friday, because, believing as I do that these bills that we adopt, will not solve our problem, that the RECORD cited gives us something to work on during the next year or two so that we may finally get some legislation which will stand the test of time.

This proposed amendment offered now is, in my judgment, absolutely necessary. I do not understand, I do not know why, the gentlemen having this bill in charge will not accept it. The way the bill stands today, the Case amendment does not contain one word which gives the Congress jurisdiction to pass any act. What I mean is this: If you take the bill as it is, this Congress has no authority to act on it. The only way we can get jurisdiction to pass these amendments that are proposed is to adopt these amendments by inserting, after the word "substantially", the words "obstructs or interferes with interstate or foreign commerce or." It is a perfecting amendment. I wish the committee having that in charge—the wise boys, the political genius of our party, the legislative experts—would accept that little amendment.

Mr. VORYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Ohio.

Mr. VORYS of Ohio. As the gentleman read his amendment he had no "or" at the end of it.

Mr. HOFFMAN. Yes; I have the "or" on the tail of it.

Mr. VORYS of Ohio. If the "or" is in, the gentleman has destroyed the effect of his amendment. I hope he will leave off the "or" and put in a comma.

Mr. HOFFMAN. Anything the professor says the language should be, I yield.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. I think the gentleman's amendment is helpful to the bill as far as that is concerned, but I think that in the declaration of policy at the beginning of the bill there is such a clear statement of the public interest that we are justified in proceeding under the general welfare clause of the Constitution.

Mr. HOFFMAN. To make sure, why does not the gentleman accept the amendment?

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CASE of South Dakota. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment offered by the gentleman from Michigan is a constructive and helpful amendment, and I see no objection whatsoever to its adoption. I may say merely in explanation of the points he has raised that under the broad declaration of policy where we base this legislation upon the public interest—and no one can deny the public interest in maintaining production and distribution in the country today—it seemed to me we were justified in proceeding under the general welfare clause of the Constitution. Further, it occurred to me that under the decisions which the Supreme Court has been making for some time now with respect to interstate commerce it would be impossible for the officers of the labor-management mediation board to find a substantial interest for the public in anything that was not interstate commerce.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. CASE of South Dakota. I yield.

Mr. HOFFMAN. Mr. Chairman, I ask unanimous consent that the high-school word "or" be changed to the university word "and."

Mr. MARCANTONIO. I object, Mr. Chairman.

Mr. CASE of South Dakota. It occurred to me that under the decisions which the Supreme Court has been making for some time now to the effect that anything which affects interstate commerce is in effect interstate commerce, the words "interstate commerce" are not necessary, but I certainly have no objection to the purpose of the amendment offered by the gentleman from Michigan and I hope the Committee will accept it.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Indiana.

Mr. HALLECK. I asked the gentleman to yield for the purpose of making this suggestion. I think the use of the word "or" in the disjunctive does not accomplish the purpose that is sought to be accomplished here. In view of the fact that unanimous consent was refused to change the word "or" to "and", I ask that the Committee vote down the amendment in order that it may be reoffered with the word "and" instead of "or" and then adopted, in order that there may be no question but that it is the intention in this provision to apply the legislation to interstate commerce alone.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. HOFFMAN].

The amendment was rejected.

Mr. HOFFMAN. Mr. Chairman, I offer the same amendment, except changing the word "or" to "and."

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN to the Case amendment: On page 8, line 7 of the Case amendment, after the word "substantial", insert "obstructs or interferes with interstate or foreign commerce and."

The amendment was agreed to.

Mr. ANDREWS of New York. Mr. Chairman, I offer an amendment to the Case bill.

The Clerk read as follows:

Amendment offered by Mr. ANDREWS of New York to the Case amendment: Page 12, after line 13, insert a new section to be known as 12 (a) entitled "Incorporation of and Annual Financial Reports by Labor Organizations":

"PARAGRAPH 1. Every labor organization in which the employees are employed by an employer engaged in interstate commerce within the meaning of the Wagner Act shall become a body corporate as provided in this act. The officers of each labor organization shall make, sign, and acknowledge, before any officer competent to take acknowledgment of deeds, and file in the office of the Recorder of Deeds of the District of Columbia, to be recorded by him, a certificate in writing, in which shall be stated—

"First. The name or title by which such labor organization is to be known.

"Second. The term for which it is organized, which may be perpetual.

"Third. The purposes and objects of the organization.

"Fourth. The names and addresses of its officers for the first year of its corporate existence.

"PAR. 2. When the certificate provided for in paragraph 1 has been filed, the labor organization shall be a body corporate, and may, in its corporate name, sue and be sued, grant and receive property, real, personal, and mixed, and use such property, and the income thereof for the objects of the corporation. Members of the corporation shall not

be personally liable for the acts, debts, or obligations of the corporation.

"PAR. 3. A labor organization incorporated under this act shall have the power to make and establish such constitution, rules, and bylaws (including rules and bylaws defining the duties and powers of its officers and the time and manner of their election) as its members may deem proper for carrying out its lawful objects, and amend, add to, or repeal such constitution, rules, and bylaws to such extent as its members may deem proper.

"PAR. 4. A labor organization incorporated under this act shall, on or before the 1st day of March of each year, make and file with the office of the Recorder of Deeds of the District of Columbia a complete report of its financial activities during the year, including in itemized form, among other things—

"(a) The total amount and the various types of corporate incomes, including particularly the amounts received in the form of admission fees, dues, and assessments from members and others; and

"(b) The names and salaries of all officers, whose aggregate compensation from activities on the part of labor organizations total more than $5,000.

"PAR. 5. Section 2 (5) of the National Labor Relations Act (U. S. C., 1940 edition, title 29, sec. 152 (5)), is amended to read as follows: '"(5) The term 'labor organization' means any organization of any kind, or any agency or employee representation committee or plan, incorporated under the Labor Organizations Incorporation Act, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work."'

"PAR. 6. Section 6 shall take effect ——— days after the date of the enactment of this act."

Mr. RANDOLPH. I make a point of order that the amendment, which I understand is offered as a new section to the Case bill, is not in order. I believe the subject matter goes far afield from the matter under consideration here. I would like a ruling of the Chair on this matter because I think it is important to resolve it at this point in the reading of the bill.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. ANDREWS of New York. As I understand the point of order, it is on account of the fact that I have offered it as a new section?

The CHAIRMAN. No. The point of order is based on germaneness.

Mr. ANDREWS of New York. Mr. Chairman, my own personal feeling is that this subject matter, the incorporation of labor unions and their rights thereunder, is the very basis and fundamental principle upon which the entire unfortunate situation exists today. I do not think there is any single act that Congress could pass today that would give the unions more prestige and get right at the root of our fundamental difficulty as to the differences between the two sides, than such a provision.

Whether it is germane to the bill is a matter for the Chair to decide, but it seems to me this is a very wide-open rule. There are included within the provisions of the Case bill many conceptions of various matters having to do with the entire labor picture. It seems to me this is within the same scope as the other features of the Case bill.

The CHAIRMAN. The Chair is ready to rule.

When the committee bill was presented to the House, it was under a rule making the Case bill in order. It was previously stated during the debate on the rule, that the purpose was to open up the entire field with reference to labor legislation. The House voted affirmatively for the special rule bringing in the bill.

This is an amendment to the Case amendment. In the Case amendment there are provisions for financial and legal liability of labor unions and employers, and the amendment of the gentleman from New York, as offered, is merely a means of further bringing about the legal responsibility of the union.

The Chair therefore believes it is in order, and overrules the point of order.

The gentleman from New York is recognized.

Mr. ANDREWS of New York. Mr. Chairman, the provisions of the bill are clear and, therefore, I presume everybody understands them. I do not think there is any one provision the Congress could enact today that would do any more for the situation or would do more for the standing of labor in the entire American community than the provisions of the bill which I have offered.

Mr. HOOK. Mr. Chairman, I rise in opposition to the amendment.

Generally, when the leadership of labor is criticized, they speak about incorporation. I want to read to this Congress the words of Cyrus S. Ching, of the United States Rubber Co. These words were spoken in January 1938. He said:

> In our company, I am going to try to impress this on the industrialists here, we are going to get about the type of labor leadership that we develop by our own actions. If, in dealing with labor organizations, we are ethical, are entitled to the confidence of people, use fair tactics, and use friendly attitudes, we will get that in return. If we are going to be militant, use underhanded tactics, and fight all the time, that is the type of organized labor we will get. So I think we all must realize that where we are dealing with organized labor we are going to get about the type of leadship that we are ourselves.

I am just wondering how any industry or any labor organization could function if in their meetings they were in the state of confusion that we are in this House today. Talk about incorporating labor organizations! You do not enforce the incorporation of employer associations. Employer associations are not required to be incorporated. Business associations are not required to incorporate. If they do incorporate they are free to do so under any statute or any State law they wish and, therefore, may choose the most liberal statute.

Compulsory incorporation of unions is in effect opposed to public welfare. It is unwarranted and it could discredit a trade-union organization and activities in the eyes of the general public. Incorporation would greatly weaken unionism through restriction of the right to organize and possible political control owing to the charter and other legal requirements.

They could go to the State of Delaware, incorporate under Delaware laws with the most lenient charter there is, and they could place into that charter things that you people yourselves would blush at.

We do not want, nor should there be, a forced incorporation of labor organizations any more than there should be enforced incorporation of any other organization in this Nation. How would you like it if they came before this Congress and tried to force industry to incorporate, tried to force every partnership or group of people who might wish to associate together, to incorporate? I could give you many more reasons showing the fallacy of the type of antiunion propaganda. Suffice to say that enactment of this kind of legislation is foolish. You would have dictatorship supreme. If you want dictatorship supreme just go ahead and adopt this kind of legislation.

Mr. Chairman, I yield back the balance of my time.

Mr. SLAUGHTER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Missouri is recognized for 5 minutes.

Mr. SLAUGHTER. Mr. Chairman, I dislike to be in the position of opposing the amendment offered by my friend, the gentleman from New York, but I do not believe this is the time or the place to take up this amendment. Furthermore, there is something in what the gentleman from Michigan [Mr. HOOK] said when he stated there is no more reason to require a labor organization to incorporate than to require a business to incorporate. In other words, a business can operate as an individual, partnership, or corporation, in any way it wants to.

If this bill we are perfecting is effective, it will not be necessary to require the unions to incorporate. What this bill seeks to do is to fix financial responsibility by providing that unions and labor organizations may be sued in the district court where they reside or where their officers may be found; and for that reason and because it seems to me that this amendment is going pretty far afield, I urge the committee to vote down the amendment.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. SLAUGHTER. I yield.

Mr. ROBSION of Kentucky. Is there any law requiring manufacturers' associations, the American Medical Association, or some score of other associations to organize?

Mr. SLAUGHTER. The gentleman from Kentucky is just restating what I said a moment ago. That was one of the reasons I had for opposing the amendment.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. SLAUGHTER. I yield.

Mr. JUDD. Does the gentleman believe it is constitutional to force people to incorporate, to force groups that wish to associate, to incorporate?

Mr. SLAUGHTER. I do not wish to express an opinion on that, but I am inclined to think perhaps it would be. The point I am making here is that if this bill does what we intend it to do, to make organizations on both sides re-

sponsible, it is immaterial whether they are incorporated or unincorporated associations.

Mr. ROBSION of Kentucky. Is it not true that these associations are legal whether incorporated or not?

Mr. SLAUGHTER. The gentleman has again restated my point; that is right.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. SLAUGHTER. I yield to the gentleman from Texas.

Mr. SUMNERS of Texas. Mr. Chairman, I want to join in the suggestion made by the gentleman from Missouri that this matter not be considered at this time in connection with the present bill. It is too far reaching to be imposed as an amendment on this bill. I hope the distinguished gentleman from New York will withdraw the amendment.

Mr. ANDREWS of New York. Mr. Chairman, will the gentleman yield?

Mr. SLAUGHTER. I yield to the gentleman from New York.

Mr. ANDREWS of New York. The provisions of this amendment to the bill have been referred to the Committee on the Judiciary. Do I understand that a subcommittee will hold hearings on this matter?

Mr. SUMNERS of Texas. We will try to.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. SLAUGHTER. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. That is the reason upon which I predicated the very brief statement I made against the germaneness of the amendment.

Mr. SLAUGHTER. And it is for that reason I join with the gentleman.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

The question is on the amendment offered by the gentleman from New York [Mr. ANDREWS].

The question was taken; and on a division (demand by Mr. ANDREWS of New York) there were—ayes 6, noes 104.

So the amendment was rejected.

Mr. VORYS of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VORYS of Ohio to the Case amendment:

"Page 11, line 25, of the Case amendment, strike out the words 'either at law.'

"Page 12, line 1, strike out the words 'or in equity.'

"Page 12, lines 5 and 6, strike out the words 'either in law or equity.'

"Page 12, lines 6 and 7, strike out the words 'or for injunctive relief in equity.'"

Mr. VORYS of Ohio. Mr. Chairman, section 10 of the Case bill makes collective-bargaining agreements binding on both parties. I am in favor of this. It is a vital step in improving labor-management relations. This amendment merely prevents the use of injunctions to force people to work, as part of the machinery for enforcement of such contracts.

The House has voted overwhelmingly three times by record vote to bring up the Case bill and perfect it. I think that is what we should now do, and this amendment is an attempt to perfect the Case bill, instead of endlessly talking about an apparently endless number of substitutes. Let us do one thing at a time.

This proposal would take out of section 10, which is the section providing for mutuality of enforceability of collective-bargaining contracts, any reference to a proceeding in equity which might be construed as an attempt at a new form of action. The lawyers here know that we have never had in law or equity any action for specific performance of a personal service contract. That means, in lay language, a court cannot order a man to work even though it can make him pay damages for not working. I do not believe it is the wish of the House at this time to create any such new right of action, with reference to labor-management collective bargaining. We do not want to give a court the power to force a man to work, as the result of a collective bargain. What we want to do by section 10, and it seems to me this is one of the most important sections of the bill, is to make collective bargaining contracts mutually and equally binding on both parties under general law. We therefore, by the amendment which I propose, take out any references to "law and equity," which are technical terms lawyers understand, but leave the section so that we make the contracts equally binding and enforceable in the courts. We do create, if there is any doubt about its present existence, an action for damages for breach of contract against a labor organization or an employer, which means that either party, the labor organization or the employer, may have the benefit of a trial by jury in any such action.

A word to those who are not lawyers about "law and equity." These words, in a legal sense, refer to two separate sets of functions which courts have which grew up under the common law, and are still preserved. In some States there are separate courts for law and equity. In most States, and in our Federal courts, both functions are performed by the same court. Injunctions, orders to a man to do something or refrain from doing something, are made by the equity court, or the equity side of the same court. Actions for damages are on the law side. Since we are attempting to create no new right in the equity side, there is no reason to refer to the equity side, and therefore no reason to refer to the law side.

Mr. LUTHER A. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. VORYS of Ohio. I yield to the gentleman from Texas.

Mr. LUTHER A. JOHNSON. Would the adoption of this amendment eliminate the objection to the bill that it would repeal the Norris-LaGuardia Act?

Mr. VORYS of Ohio. I think it would go far in that respect. There has been a lot of criticism aimed at section 10, and there have been a lot of claims made that the Norris-LaGuardia Act would be swept away by the use of injunctions under section 10, with this amendment, these criticisms and claims are answered. The Norris-LaGuardia Act is partially suspended with reference to certain limited situations in three other places in the bill. I wish to remind the committee that the Norris-LaGuardia Act itself does not attempt to bar injunctions where fraud or violence are involved. This amendment would take out of section 10, providing for equal responsibility of labor and employer organizations, any possibility that we might have the use of an injunction to enforce the performance of personal-service contracts.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. VORYS of Ohio. I yield to the gentleman from Indiana.

Mr. HALLECK. As a matter of fact, I cannot conceive of any situation under which injunction would lie in a matter involving breach of contract. As far as I am concerned I can see no reason why those words having to do with injunctive relief should not be stricken out of the bill, leaving the language which simply sets up a responsibility in a court of law at the suit of either party for damage arising out of breach of any agreement made, an issue that would be, at the request of either side, submitted to the jury for decision.

Mr. VORYS of Ohio. It seems to me that that is a very apt statement of what this paragraph will provide if this amendment is adopted. It will take away any particular benefits or advantages of one party or the other that now exist under other laws which keep the obligations from being equal and mutual; will not give any new rights by way of injunction to either party but will specifically provide for an action at law for damages to enforce any act of violation of the contracts.

Mr. SLAUGHTER. Mr. Chairman, will the gentleman yield?

Mr. VORYS of Ohio. I yield to the gentleman from Missouri.

Mr. SLAUGHTER. I direct the gentleman's attention to page 11, line 25, and I believe the gentleman by inadvertence has misdrawn his amendment. He provided in this amendment to strike out the words "at law." Of course, the gentleman wants to strike out the reference to "equity" on the next page. But I do not believe the gentleman intended to strike out the reference to actions at law; did he?

Mr. VORYS of Ohio. The purpose was to strike out wherever the words "law" and "equity" appear. The gentleman, if he is a lawyer, knows that you do not start to discuss actions at law ordinarily unless you are balancing or including them in a discussion about equity. When we strike out "at law" and leave it simply that they are binding and enforceable in the courts, and we leave all of the present existing remedies, and then, in addition, make it very clear that a suit for damages may be brought, we get away from the technical difficulty which was involved in attempting to use either of those words, and we eliminate any possibility of confusion.

Miss SUMNER of Illinois. Mr. Chairman, I move to strike out the last five words.

Mr. Chairman, I would like to offer a little suggestion. It seems to me that

again and again, whenever there is a wave of strikes, we come up with all of these suggestions, and there is no hope that any of them presents a means of stopping the present strikes. The condition is growing worse until now strikes are spreading throughout the country like forest fires, and it is really the principal cause of the prolonged mass unemployment. It seems to me the reason is that because of the committee situation and other factors this Congress has never made a really exhaustive study of the labor question so as to know the facts that this Congress ought to know and what the law is and what the law ought to be. I have a deadly fear, since the time of that work-or-fight bill, that the thing is going to become worse, as we know it will, because of the inflationary pressures which OPA just sweeps under the carpet, and that as the thing becomes worse we will have a sort of mob spirit here and again we will pass something like the thing that we called the slavery labor bill, something utterly communistic. During this very debate there were suggestions about setting apart certain agencies and industries like the food and the utility industries and have fixed wages—utterly communistic.

It seems to me that what we need here is to have a study so that we will know what the law is. Perhaps what we need is to have a constitutional amendment overriding some of the decisions of the Supreme Court. I was amazed to learn that the Supreme Court, thanks to the lack of appropriations, has only one research assistant for each Judge. The theory is that since the best lawyers in the country are on each side of the case the Judges get both sides and get the law. Every lawyer here knows that what they are getting is extremes on both sides. It may be that that is one of the reasons we have had such confusion.

Therefore, I think we need a study of the facts, and what the law is and what it ought to be. I cannot see that we are going to get such a study from any fact-finding bureaus set up by the Government or from the Committee on Labor or from any special investigating committee, in view of the way those committees are usually appointed—for political reasons.

I have come to the conclusion that it would be a good idea if this whole subject were turned over for investigation to a subcommittee of the Committee on the Judiciary. You laugh, but I might mention some of the men on that committee: Mr. WALTER, Mr. GRAHAM, and Mr. GWYNNE of Iowa—fair, judicious men. If they were properly staffed and all sides were presented I think they could come out with an exhaustive study which would give us some idea of what the law is and what it ought to be. Then after that study we could have some basis for legislating in this country and really get an American industrial relations policy. I hope you will give this some thought, because I am very afraid that when the next great wave of strikes comes, as it is sure to come, once more there will be this hysterical feeling, and in view of the communistic ideas that are running through this country I have a deadly fear of the kind of law that may happen to us before we realize what is happening.

Mr. HOFFMAN. Mr. Chairman, will the gentlewoman yield?

Miss SUMNER of Illinois. I yield to the gentleman from Michigan.

Mr. HOFFMAN. I agree with what the gentlewoman from Illinois has said. That is good advice. But does not the gentlewoman think it is cruel and unusual punishment, now that the Committee on Labor has shown signs of conversion and repentance and is trying to do something, to take this thing away from it?

Miss SUMNER of Illinois. Let us not discuss personalities.

Mr. HOOK. Mr. Chairman, will the gentlewoman yield?

Miss SUMNER of Illinois. I yield to the gentleman from Michigan.

Mr. HOOK. Will the gentlewoman advise me as to whether or not she voted for the rule?

Miss SUMNER of Illinois. I voted for the rule.

Mr. HOOK. The gentlewoman voted for the rule, even though they did not read the Case bill? The gentlewoman did not think about studying it at that time, did she?

Miss SUMNER of Illinois. I always vote in the hope of having some kind of study on the question here, on the suggestions offered by the gentleman from Michigan and other suggestions. It is only after listening to the debate that I think we need further study. I may add that I was thoroughly opposed to the slavery labor bill. If the CIO and some of the anointed friends of labor here made any opposition, it was not noticeable either in our correspondence or on the roll call.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. VORYS].

The question was taken; and the Chair being in doubt, the Committee divided; and there were—ayes 107, noes 23.

So the amendment was agreed to.

Mr. BAILEY. Mr. Chairman, I offer an amendment to the Case substitute.

The Clerk read as follows:

Amendment offered by Mr. BAILEY, of West Virginia, to the Case substitute for H. R. 4908: "On page 3, line 18, after the word 'arbitration', strike out the period, insert a comma, and insert 'And in this connection it is the declared intent of the Congress that all subsidies now being paid out of the United States Treasury in the form of tax refunds, tax rebates, and "carry back" payments to individuals, companies, or corporations, be suspended for the duration of any strike or strikes now existing or that may occur during the calendar year that lead to industrial unrest, delay reconversion, and otherwise impair our national economy.' "

Mr. KNUTSON. Mr. Chairman, I make a point of order against the amendment.

Mr. RANDOLPH. Mr. Chairman——

Mr. KNUTSON. Mr. Chairman, the amendment is clearly out of order. It is not germane to the bill. There is nothing in this bill that has anything to do with the carry-back. I do not think we should waste time by discussing a proposition that is irrelevant.

Mr. BAILEY. Mr. Chairman, I desire to be heard on the question of germaneness of the amendment I have offered.

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. KNUTSON. This is a matter for the Committee on Ways and Means, Mr. Chairman.

Mr. BAILEY. I am afraid of that.

Mr. Chairman, when the Seventy-ninth Congress, first session, in its wisdom chose to amend the Federal Revenue Code by removing all excess-profits taxes it was definitely fixing a policy for the entire Nation.

Mr. KNUTSON. Mr. Chairman, I ask for a ruling on the point of order.

The CHAIRMAN. Does the gentleman from West Virginia [Mr. BAILEY] desire to be heard on the point of order?

Mr. BAILEY. I do desire to be heard, Mr. Chairman, to discuss the point of order.

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. BAILEY. The Congress is being asked for a two-page declaration of policy contained in the proposed Case substitute to H. R. 4908 to make known its intent as regards strikes in industry. This declaration of policy is also predicated on the assumption that the speedy end of strikes will be in the public welfare and tend also to stabilize our postwar economy.

Mr. KNUTSON. I think the gentleman has talked long enough, Mr. Chairman——

The CHAIRMAN. The Chair will hear the gentleman briefly.

Mr. BAILEY. If the Congress is going into the business of prescribing for all the ills of the Nation, I suggest that the inclusion of a few additional germs to be eradicated might even improve this historic document.

The CHAIRMAN. The gentleman from West Virginia will suspend.

The Chair is very much interested in what the gentleman has to say on the point of order. The Chair feels that what has been said up to this time has not been directed to the point of order.

Mr. RANDOLPH. Mr. Chairman, the gentleman from West Virginia now addressing you was on his feet at the beginning of this subject matter. I had hoped the gentleman from Minnesota [Mr. KNUTSON] would withhold his point of order, allowing the gentleman from West Virginia [Mr. BAILEY] to speak. Then, of course, I would make a point of order if someone else did not make it, that the amendment, as offered, was not germane.

Mr. KNUTSON. Of course, I am interested in getting the gentleman's viewpoint on the philosophy of taxation.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. KNUTSON. For the time being, I will reserve the point of order.

The CHAIRMAN. The gentleman from West Virginia [Mr. BAILEY] is recognized for 5 minutes.

Mr. BAILEY. Mr. Chairman, I insist that the Chair rule on the point of order.

The CHAIRMAN. The gentleman from West Virginia does not desire to avail himself of the reservation of a

point of order but insists on a ruling by the Chair.

In the opinion of the Chair, the amendment offered by the gentleman from West Virginia [Mr. BAILEY] deals with both taxation and the disposition of taxes, and is not germane to the pending amendment.

The point of order is sustained.

Mr. RANDOLPH. Mr. Chairman, I want the RECORD to clearly indicate that the gentleman now addressing the Chair desired that there be a reservation of the point of order so that the gentleman from West Virginia [Mr. BAILEY] might have explained his position other than on the germaneness of his amendment.

The CHAIRMAN. That is a part of the RECORD.

Mr. O'HARA. Mr. Chairman, I offer an amendment to the Case amendment which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. O'HARA to the Case bill: "Page 10, following end of sentence, line 6, add, 'If any employee, under the conditions described in this subsection, shall refuse to work it shall be lawful for the employer to discharge such employee refusing to work, notwithstanding the provisions of this act or any other provision of law or contract, and it shall be lawful for said employer to employ a replacement for such discharged employee, notwithstanding the provisions of this act or any other provision of law or contract.'"

Mr. O'HARA. Mr. Chairman, permit me to say I approach this much in the same spirit that the gentlewoman from Illinois [Miss SUMNER] did in her statement a few moments ago; namely in the public interest and welfare.

In the consideration of section 8, beginning on page 9 and extending to page 11, there is reference to the maintenance of the status quo, which is the cooling-off period, as I construe it, during which time the Board takes over the jurisdiction of issuing certain orders both to the employer and employee, and which goes on to state that the Board—page 10, lines 1 to 6, inclusive—cannot make an order compelling an employee to work. That is merely a statement of the constitutional right of labor.

Mr. Chairman, under the bill it is obvious that it is intended to create and continue a status quo in these establishments whereby it is the purpose that there shall be an orderly continuation of the operation of the business. That is for the benefit not only of the industry itself but of labor and what is more important the public welfare. I view it as a practical matter. We have this situation which can arise very easily, you may have a plant furnishing a public service and the public welfare involved. It is highly important that the status quo be maintained during the so-called cooling-off period; and under the order of the Board, as it is created in this so-called Case bill, section 8, that is exactly the responsibility of the board. It is acting in the public welfare. Without my amendment it is clear that an impasse can well arise, and all this provision is just words.

Let us take the situation where there may be a closed-shop agreement, or a maintenance-of-membership agreement, and despite the order of the Board, the employees strike or go on the picket line in sufficient number that the plant cannot operate, notwithstanding it may be in the public interest that the plant continue in operation. As I view it, the language of this bill provides only a proposition that the employer cannot continue the status quo. Obviously if they go on strike, go on the picket line, his establishment cannot operate. If they have a maintenance-of-membership or a closed-shop agreement obviously the union is not going to permit other employees to enter in and join the union so they can work. This amendment is purely to make effectual what the author of the legislation, I believe, started out to do. If we are going to have a law that means anything, let us have one that protects the general public interest. It is solely in the interest of the public welfare that, I feel, makes my amendment imperative.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield.

Mr. RANDOLPH. What the gentleman says is correct about the public interest being paramount during the reconversion period.

Mr. O'HARA. That is the sole motive I have in offering my amendment and my vote on this legislation.

Mr. RANDOLPH. That is what I attempted during the beginning of this debate, to argue as vigorously as I could for the provisions of the Presidential request as embodied in H. R. 4908, because it did just what the gentleman is effectively arguing for in behalf of the Nation in this House.

Mr. O'HARA. I wish to thank the distinguished gentleman from West Virginia, because what he has so well stated presents exactly my views. I do not care whether you feel you are the advocate of labor or the advocate of industry, the paramount thing all of us should be concerned with as Members of the House is to try to legislate justly as to both industry and labor, not forgetting that after all there is a paramount responsibility on the part of all of us to the general public welfare.

Mr. THOM. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield.

Mr. THOM. Under this 30-day cooling-off period would the employer have a right to recruit men to take the place of the strikers?

Mr. O'HARA. I do not believe so; I may say to the gentleman from Ohio, under the terms of the bill as written. That is why I offer my amendment.

Mr. THOM. I should think that the recruiting of men would not affect the status quo under this provision.

Mr. O'HARA. Under the bill if they have a closed shop or a maintenance of membership, they could not take them in anyway, without my amendment.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. BAILEY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the matter of Government subsidies in the form of amortization grants, tax refunds and carry-backs cannot be divorced from any congressional declaration of policy that has to do with such matters as public welfare and economic stability.

When the Seventy-ninth Congress, first session, in its wisdom, chose to amend the Federal Revenue Code, by removing all excess-profits taxes, it was definitely fixing a policy for the entire Nation. When the same Congress chose to leave in the Revenue Act the carry-back clause, relating to the refund of excess-profits taxes, it was declaring a policy of Government paternalism predicated on the thought such action would tend to be in the public welfare and aid in stabilizing our postwar economy.

Now the Congress is being asked in a two-page declaration of policy, contained in the proposed Case substitute to H. R. 4908 to make known its intent as regards strikes in industry. This declaration of policy is also predicated on the assumption that the speedy end of the strike hysteria will be in the public welfare and tend also to stabilize our postwar economy.

The authors—authors that is—of this proposal say right in the very paragraph I propose to amend "To aid in the voluntary and expeditious settlement of labor disputes affecting the public interest" is their basic reason for enacting this legislation. Can it then well be argued that the payment of subsidies and tax-refunds do not affect both the strike situation as well as the public welfare? Certainly these Government handouts are a factor in the strike situation.

What about across-the-table bargaining, as is envisioned in this proposal, if one of the parties had some of his cash assets concealed under the table in a canvas bag marked United States Treasury? It would certainly be germane to the argument taking place.

The sponsors of this substitute must have thought the question of cash payments was germane. They took extreme care to see that the President's recommendation for opening up the records of industrial concerns by subpena process to ascertain their ability to pay, was left out of this substitute. If this were part of the law it would be easy for the fact-finding boards to learn just what gratuities had come to industry in the form of Government debates, refunds and carry-backs.

Wartime tax provisions for business relief suddenly have become a bone of contention in the strike issue. Unions charge that tax laws are rigged to give public money to corporations as strike-breaking funds. The general public hears the term "carry-back" for the first time, and deluges the Treasury for explanations.

Actually, the carry-back and other relief provisions were written into war taxes to take care of extraordinary expenses that war saddled upon corporations. They were put into the tax law of 1942, long before the present strike issue arose.

The excess-profits tax provides the basic explanation. This was a tax on "excess" corporate profits resulting from war. Whether a profit was excess or not was measured either by a company's prewar earnings between 1936 and 1939, or by a specified return on its capital

investment. This base is known as the excess-profits credit. Earnings above that base were taxed at 95 percent, with provision for a 10 percent postwar refund. Earnings below the base paid the normal corporation tax of no more than 40 percent.

In addition, the excess-profits tax was designed to average out a corporation's wartime tax payments through the war and early postwar period. A company, for example, might make a huge profit in one year and little or nothing in the next. Here is where the carry-back comes in.

The carry-back is a device that is used when a company's earnings fail to exceed its excess-profits credit. In that event, the unused portion of the credit can be applied to an earlier year and the excess-profits tax for that year is reduced. For example, if a company earned $1,000 above its credit in 1943, the net excess-profits tax on that amount was $855. If in 1945 or 1946 earnings fell short of the credit by $1,000, that sum could be carried back to 1944, wiping out excess-profits tax liability for the earlier year.

When Congress repealed the excess-profits tax, it continued the carry-back through 1946 to enable corporations to meet possibly heavy reconversion expenses with tax refunds. Now, losses due to strikes could produce the same effect.

Its workings could be like this:

Excess-profits credit of a corporation that earned $40,000,000 a year in its base period would be $40,000,000. Now, suppose this company made $100,000,000 in 1944. It was subject to a 1944 net excess-profits tax of 85.5 percent on $60,000,000, after taking the postwar refund into consideration, or a tax of $51,300,000. In addition, a normal tax of 40 percent was levied on the remaining $40,000,000, amounting to $16,000,000. That brought total 1944 taxes to $67,300,000.

If shut down through 1946 by a strike or otherwise, this company could apply its wartime $40,000,000 excess-profits credit to 1944 by the carry-back. That would double the 1944 credit to $80,000,000, leaving only $20,000,000 subject to 1944 excess-profits tax at a net of 85.5 percent, or $17,100,000.

At this point, however, the company would be liable for normal income taxes in 1944 on $80,000,000 instead of $40,000,000, which, at 40 percent, would be $32,000,000. Recomputed total tax for 1944, therefore, would be $17,100,000 excess-profits tax plus $32,000,000 normal tax, or $49,100,000. But it paid on 1944 earnings a net tax of $67,300,000. The difference—$18,200,000—would be the refund.

Mr. RABIN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in opposition to the passage of the so-called Case bill. I am unalterably opposed to it. I think its passage would not be in the interest of the country, and it would mark a step backward in labor relations; it would be harmful to both industry and labor.

The world is being reorganized. We have just gone through the most devastating war in all history. We have fought this war in the hopes that this world would be a better place in which to live. We have fought it to try to obtain "freedom from want" and "freedom from fear." It is difficult to accomplish those objectives. The fight for a happy peace will be more difficult, I am afraid, than the great fight for victory in war. The only way to accomplish it is through cooperation—cooperation of nations, cooperation of individuals, cooperation of all kinds and classes of people, and on the economic front, cooperation of both labor and capital.

We are now in a period of unrest, seeking to find a common meeting ground for labor and capital. It is a difficult task. Let us not add to that task by hastily passing legislation which is unwise and which I think is unfair and unjust. The Case bill is that type of legislation. Congress has made that mistake before when it passed the Smith-Connally Act. Intended to avert strikes, it actually encouraged and intensified them. I think the passage of the Case bill will have the same effect.

The Nation is now in the throes of industrial strife. It is a struggle on the part of the workingman to secure for himself a decent standard of living and to bring up his family in a manner which will give it some hope for the future. Labor cannot be blamed for striking to accomplish these objectives. What weapon would labor have to force recognition of those demands except to strike? And because it is exercising the only weapon which it has, shall we now say that the right of strike be taken away from it? Shall we now say that the right to organize should be taken away from labor? Without the right to organize and without the right to strike, labor would be helpless and would be crushed by the power of industry. I know that industry has become enlightened to the just claims of labor since the days of the sweat shops and canning factories, but, except in a few instances, I do not think it has become enlightened to the point where it will voluntarily offer to labor increases in salaries even when such increases be necessary to insure a decent standard of living. The workingman must obtain those by himself. The only method he has is through collective bargaining and without the right to strike there can be no such thing as collective bargaining.

True, the country is tied up by strikes; but why must we assume that it is the sole fault of labor? Why should we not say the responsibility is that of industry for refusing to pay a decent wage in the light of the higher cost of living? Must we come to the conclusion that it is the fault of labor merely for demanding it?

Great advances have been made in industrial relations in the past 12 years. Through progressive legislation, labor has been given an opportunity to bargain with industry with a reasonable degree of effectiveness and on a relatively equal level. It was fair and just that opportunity was given to it. Without that legislation, it would have been overwhelmed by the economic might of industry just as that economic strength has suppressed it in the past. It is only if labor is strong and can bargain on an equal level with industry that the standard of living can be raised to a decent level; that the purchasing power of our community can be raised—both leading to a more prosperous economy.

The Case bill, now before the House, would wipe out the advances that have been made and would again give industry the power to suppress collective bargaining and would substitute for those advances rule by injunction. It would restrict the right to strike merely on an allegation of a threat of coercion. This bill convicts labor without a trial and it imposes a penalty on a basis of such unfair conviction.

Why do we not adopt legislation that would go to the root of the evil? Why do we not adopt a real full-employment bill and a minimum-wage bill? Why do we not pass an antidiscrimination bill and establish a FEPC? Why should we not broaden and strengthen our social-security laws and pass proper health-insurance legislation? Why do we not liberalize and extend the unemployment-insurance bill? The passage of this program would be striking at the cause of the problem. It would help the workingman now and lessen his fear of the future.

We realized during the war that with the conclusion of hostilities we would have great reconversion problems. We passed adequate legislation for the reconversion of industry. It has its carry-backs on taxes; it was taken care of through adjustments on termination contracts; it has received great tax relief. What program of reconversion have we passed for the man who performed the manual labor and kept the wheels of industry turning? Did we give him adequate compensation upon the termination of his services when the war was over? Do we give him an income-tax adjustment? Did we pass any reconversion legislation for him at all? The bills I referred to would be such a reconversion program, and it would tend to remove many of the causes for these strikes.

Let us not convict labor because it is striking in an endeavor to earn a decent living. Let us not pass repressive legislation that would throw us back to the days when labor was helpless. The right to strike must be preserved, if labor is to live. It is endangered by the Case bill. I am opposed to it, and I urge its defeat.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. O'HARA].

The question was taken; and on a division (demanded by Mr. O'HARA) there were—ayes 16, noes 37.

So the amendment was rejected.

Mr. ROBSION of Kentucky. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROBSION of Kentucky to the Case amendment: "Page 12, line 8, after the word 'any', insert the words 'state or.' Strike out all of section 10, page 12, beginning with the word 'if' and balance of section."

Mr. ROBSION of Kentucky. Mr. Chairman, may I invite the members of the Committee to turn to page 12, section 10, of the Case bill. I think this is

an amendment upon which you want to act favorably.

Mr. HOOK. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. I yield to the gentleman from Michigan.

Mr. HOOK. May I say to the gentleman that the members of the Committee on Labor have had nothing to do with the Case bill.

I know that your Committee on Labor did not consider the Case bill. I regret that it was not submitted to your committee or some other committee and hearings held thereon; but we have the Case bill now before us for consideration, and I think all of us should do what we can to make the bill just and fair to labor, management, and the people of the whole country.

An amendment has taken out the injunctive feature of the bill.

Mr. MARCANTONIO. If the gentleman will yield, that is only on page——

Mr. ROBSION of Kentucky. This is section 10. As section 10 now stands either party may bring suit at law for damages for breach of contract. The bill as drawn claims this action can be filed in the United States district court. The first part of my amendment merely permits the suit to be filed either in the State court or the United States court.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. I yield to the distinguished gentleman from Indiana.

Mr. HALLECK. I call the gentleman's attention to lines 4 to 5 of the bill, on page 12, where it is said: "In addition to any other words or remedies existing."

Mr. ROBSION of Kentucky. That has been taken from the bill.

Mr. HALLECK. The only words stricken were the words following that "either in law or in equity."

Mr. ROBSION of Kentucky. Well, "in law." This is an action at law. Why should not the State have jurisdiction as well as the United States court? And I repeat, the first part of my amendment gives the complaining party the right to institute his action in either the State court or the United States District Court.

However, there is a more important part to my amendment: You will notice the provision in fixing the venue or place where the suit may be filed and the person on whom the process may be served provided it is a labor union. My amendment strikes out the following language:

> If the defendant against whom action is sought to be commenced and maintained is a labor organization, such action may be filed in the United States District Court of any district wherein any officer of such labor organization resides or may be found.

You will observe that under that provision of the bill, any company or person filing an action against a labor union could file it in the United States District Court of any district wherein any officer of such labor organization resides or may be found.

Let us bear in mind that this section contemplates the filing of an action by the aggrieved party for damages and relief for violation of a contract. It does not fix the venue as to the place of filing if a labor union sues the employer. It evidently leaves that to the Federal Code and statutes. But if the defendant is a labor union it may be sued in "any" district court of the United States where "any" officer of the union may "reside" or "be found."

The employer would not have to bring his suit where the contract was made or being performed or where the injury or damage was sustained by the employer. Neither does it require the service of process upon the principal officer of the labor union, but "any" officer of the union.

Now how would that work out if the employer desired to take advantage of that provision of the law in filing his action against the labor union? For example, some employer in the State of California, Michigan, Ohio, or New York had a contract with a labor union and the employer claimed that the labor union had breached the contract and the employer had suffered damages. Under that provision such employer could go to the State of Florida, Mississippi, or Texas and file his lawsuit in any district court provided he could find any officer of the union in that district. This "any" officer would not have to reside in such district. He might be merely passing through there and he might be one of the lowliest officers of the union and he might be in Florida for a short time or going to some other Southern State on account of his health, or he might be passing through one of these States on his way to Florida or Mississippi with a sick wife, son, or daughter; and then the union would have to take all its witnesses and attorneys perhaps a thousand or 2,000 miles to defend that action.

Now let us turn the case around:

What if there were a provision in this section giving to the union the right to sue any employer in any United States District Court in any district where any officer of such employer might reside or be found?

No fair-minded person would say that would be fair to the employer. The labor union might bring an action against the employer to obtain damages for breach of contract. The contract may have been made or was to be performed in the State of Texas or Mississippi. But the union, under this provision, could seek out any United States District Court in New York, Illinois, or California, where "any" officer of the employer resides or might be found.

My amendment strikes out this provision of section 10. With this section stricken, the place of filing the action will be fixed by the Federal Code and statutes if it is filed in the United States court, and if it is filed in the State court, it will be fixed by the code and statutes of the State wherein the action is filed; and if the plaintiff or complainant files his suit in the wrong jurisdiction and his process has not been served on the person as provided in the code and the statute, on timely objection to such service it would be quashed by the court.

I think the parties should have the right to file their action either in the State court or the Federal court. If the amount in controversy and other considerations did not bring it within the jurisdiction of the Federal court, the action, of course, would be dismissed on timely motion by the defendants.

MUTUALITY OF CONTRACTS

As I understand the position of the leaders of the railroad brotherhoods, the American Federation of Labor, the United Mine Workers, and other unions and the employers of labor, they all favor mutuality of contracts.

Labor has for many years been strong advocates of collective bargaining, and an overwhelming majority of management, whether they have some regular union or some independent union, have for a number of years favored collective bargaining with their employees.

I was a Member of Congress many years ago when the railway mediation-adjustment acts were passed. These brought about collective bargaining, mediation and adjustments between management and labor. These collective bargaining contracts should be made after a free, fair and full discussion of all the matters involved and should be signed by the parties with the utmost good faith and when these contracts are once entered into they should be adhered to by both parties. If there are provisions in the contract against lock-outs and strikes both parties should observe these provisions, as well as other provisions of the contract, and it seems to me that it would be in the interests of both parties for the contract to provide as a part of the collective bargaining principle to resort to mediation, conciliation, and voluntary arbitration. As strikes are costly and frightful experiences for both management and labor no effort should be spared to prevent lock-outs and strikes. If the spirit and the letter of the contracts are not to be observed by both parties, then the so-called collective bargaining becomes a futile gesture. If the pledged word is broken it can only breed discord and distrust.

The observance of these contracts is not only a good thing for management and labor themselves, but for the country as a whole. While there have been some wildcat strikes, as I understand it the railroad brotherhoods have not broken their collective bargaining contracts with either the tacit or direct approval of their leaders. These wildcat strikes have been condemned and I understand this is true as to the American Federation of Labor, also to the United Mine Workers of America. It is true there have been some strikes and threatened strikes on the part of the United Mine Workers of America with the approval of their leaders; but they always came after the failure of the mine workers and operators to agree upon a contract.

Since VJ-day there have been no strikes among the railroad workers or United Mine Workers. There have been only a few of the six or seven millions of A. F. of L. men and workers who have gone out on strike, and these were without the approval of Mr. Green and his associates. The A. F. of L. have settled a great many of their differences by mediation, conciliation and voluntary arbitration, and it was most gratifying very recently to observe that 18 out of 20 railroad brotherhoods have already

agreed to voluntarily arbitrate their claims for wages, increases of pay, and perhaps some other matters. This is most heartening to those who want peace among labor and management.

As I am informed the steel workers, automobile workers and some other groups who have gone out on strike, have contracts that have not expired. Perhaps there have been lock-outs on the part of management, but no lock-out has been brought to my attention.

It is just as reprehensible for management to break its contract as for labor to do so. It is most unfortunate that these differences have not been settled by mediation, conciliation, and voluntary arbitration. There are perhaps $200,000,000,000 in money, securities and other liquid assets available to the American people to spend for goods, products, materials, and properties of every kind and character. There never was such a demand in this country and in other countries for things that Americans and other people need or a greater scarcity of these things that they need now. We are on the threshold of a few, at least, of the most prosperous years this country—both management and labor—has ever experienced. Yet through these stoppages of production the things that the people need become more scarce every day and the threat of inflation becomes more menacing.

This threat will continue until production reaches such a point as to reasonably meet the demands of our own people and other people.

I am afraid that labor has not served its best interests in bringing about a stoppage of production. At this critical point of reconversion we cannot have peace and full production, with full employment, unless management and labor both desire peace and unless they sit down to a table together and confine their demands to those things that are just and right, looking alone to the best interests of the American people as a whole.

After all, the American people have got a stake in industry, agriculture, commerce, and labor.

Management and labor must constantly keep before their minds the threat of Government control. When the Government intervenes, it may be to the temporary advantage of one or the other of the group; but in the end Government interference and settlement of disputes between labor and management will destroy private enterprise and collective bargaining, and then we shall have arrived at a totalitarian government in this country. Management and labor are enjoying a priceless heritage of liberty and freedom. In Russia they do not have any trouble with labor or management, and this is true of some other totalitarian governments. But, on the other hand, they do not have free private enterprise or collective bargaining. They have Premier Stalin.

Labor and management must not pull down the temple on their own heads.

It seems to me that it is much wiser and better for management and labor to sit down together and compose their differences through collective bargaining, mediation, conciliation, and arbitration than to have the Government step in with a big club or with bayonets and bullets and settle their differences for them and, at the same time, take away their freedom and their rights. I have always been, and still am, opposed to violence on the part of either labor or management. We must, in this land of constitutions and laws made by the people and their representatives, settle our differences within the law and not try to achieve our aims by force and violence; and when a group undertakes to achieve its aims by force and violence, with bayonets and bullets, the Government should step in after doing what it can to bring the parties together through mediation and conciliation and stop such lawlessness; but it should not be partisan, and both labor and management should always feel that they can have a full hearing before their Government and receive just and fair treatment.

Mr. RANDOLPH. Mr. Chairman, the Members of the House desire and know that we will have adequate debate on the amendments which have been offered today and which are still pending; also those that will be considered later. I feel that Members have work to do in their offices this afternoon. I know that I do. I know that we have been in committee meetings this morning. Therefore, in the interest of orderly procedure, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. O'NEAL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 4908), to provide for the appointment of fact-finding boards to investigate labor disputes seriously affecting the national public interest, and for other purposes, had come to no resolution thereon.

EXTENSION OF REMARKS

Mr. SMITH of Wisconsin asked and was given permission to extend his own remarks in the Appendix of the RECORD and to include a magazine article.

Mr. GEELAN asked and was given permission to revise and extend his remarks in the RECORD.

Mr. HOOK asked and was given permission to extend his remarks in the RECORD and include therein a statement by Mr. J. H. Leib, past vice commander and past service officer of the Vincent B. Costello Post, No. 15.

Mr. PATTERSON asked and was given permission to extend his remarks and include a resolution of certain labor unions meeting today in Washington.

Mr. MORRISON asked and was given permission to extend his remarks and include therein an article by Joseph V. Moreschi.

Mr. GORDON asked and was given permission to extend his remarks in the RECORD and insert a very interesting editorial on the Polish problem which appeared in the Washington Evening Star on Saturday.

PERMISSION TO ADDRESS THE HOUSE

Mr. BIEMILLER. Mr. Speaker, I have a special order for today. I ask that the some be vacated and that I may be permitted to address the House for 1 hour on Monday, February 18, after the disposition of business on the Speaker's desk and the conclusion of special orders heretofore entered.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

EXTENSION OF REMARKS

Mr. VOORHIS of California asked and was given permission to extend his remarks in the Appendix of the RECORD and to include the text of the bill (H. R. 5238).

Mr. WHITE asked and was given permission to extend his remarks in two instances and to include certain excerpts.

Mr. LANDIS asked and was given permission to extend his remarks in the Appendix of the RECORD and to include a radio broadcast.

THE LATE HON. OSCAR YOUNGDAHL

Mr. JUDD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. JUDD. Mr. Speaker, it is with deep regret and sorrow that I have the sad duty of informing the House of the death yesterday in Minneapolis of the able and distinguished gentleman who preceded me as Representative of the Fifth District of Minnesota, the Honorable Oscar Youngdahl.

Mr. Youngdahl came from one of the most respected and distinguished families in Minnetosa.

He served in the armed forces of his country during the First World War.

He was active in work for veterans, including a term as State commander of the American Legion.

He was elected to the House of Representatives in 1938 and served in the Seventy-sixth and Seventy-seventh Congresses.

He was a member of the great Committee on Interstate and Foreign Commerce and was always diligent and faithful in working for the interests of the people of the district and the State he represented.

He leaves a widow and four children as well as a host of friends who mourn his passing.

Mr. Speaker, I know the members of the House join me in expressing our deep sorrow at his untimely death and extend to the members of his family our sympathy and condolence. I feel sure that the knowledge of his long patriotic service to his country will in some degree assuage their grief.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KNUTSON. Mr. Speaker, those of us who had the privilege of serving with Oscar Youngdahl in this body recall him with affection. I well remem-

ber with what fidelity and faithfulness he represented his district, his State, and his country, and in his untimely passing we have lost a good citizen and friend.

Of course, as we grow older, sun spots momentarily obscure with greater frequency the bright halo which binds the world together, yet they cause us pangs of pain and sorrow. I know I express the sentiments of every Member of this body when I say that Mrs. Youngdahl, a most estimable woman, and her fine children have the sincere sympathy of every Member of this House in this dark hour of their lives.

Mr. PITTENGER. Mr. Speaker, I join with my colleagues in this moment of sorrow, when we pay our respects to our late colleague, Hon. Oscar Youngdahl, of Minneapolis, Minn.

It was my honor and privilege to serve with him as a Member of the House and to know him and to know something of the fine work he did as the Representative of his State and his city. All of us were shocked this morning to learn the news of his untimely passing. All of us mourn with his family and his friends in this great loss that has come not only to the city of Minneapolis but to the State and to the Nation.

Mr. Youngdahl served as a Member of this House with distinction. He was a man of courage. He was a man of character. He was a man of whose friendship anyone might well be proud.

I join with others in these few moments when we are paying tribute to a man we loved to call "Oscar." Mr. Speaker, our friend and former colleague is no more. He has gone to that undiscovered country from whose bourn no traveler returns. But our Christian faith teaches us that there is a life beyond the grave and that the soul of man never dies. In a beautiful land of somewhere, beyond the Great Divide, he lives to take up the higher and eternal tasks prepared for those who have left us.

And so we pay tribute to his memory, and I close with the following fine sentiment:

IF LIFE WERE ALL

If life were all,
Where were the recompense
For all our tears?
The troubled toil
Of all the long-drawn years,
The struggle to survive,
The passing show,
Were scarce worth while
If life were all.

If life were all,
What were it worth to live?
To build in pain,
So soon to learn
Our building were but vain,
And then to pass to some vain nothingness.
Were scarce worth while,
If life were all.

If life were all,
How might we bear
Our poor heart's grief,
Our partings frequent,
And our pleasures brief?
The cup pressed to the lips,
Then snatched away,
Were scarce worth looking on,
If life were all.

Life is not all,
We build eternally,
And what is ours today
To make existence such
Is ours always,
We stand on solid ground,
That lasts from aye to aye,
And makes earth's sojourn worth the while,
Life is not all, I say.

Life is not all,
I do not understand the plans;
I only know that God is good,
And that His strength sustains,
I only know that God is just;
So in the starless, songless night,
I lift my heart to Him and trust,
And God my spirit witness gives,
Life is not all.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent that all Members who wish to speak on the life, character, and services of our departed friend, Oscar Youngdahl, may have five legislative days in which to do so.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. H. CARL ANDERSEN. Mr. Speaker, Oscar Youngdahl entered Congress the same day I did, back in January 1939. He did a splendid work in representing his district during the 4 years he was a Member of the House.

Oscar's family was always first in his thoughts and I well remember the conversations we had concerning his plans for the future of his children.

This tribute by the House to the memory of one of the most generous and likable men ever to sit in Congress will help Mrs. Youngdahl and their four children to meet the blow which has fallen upon them. His many friends here join in sympathy to his loved ones.

The SPEAKER. The Chair recognizes the gentleman from Minnesota [Mr. O'HARA].

Mr. O'HARA. Mr. Speaker, it was with profound sorrow that I learned of the passing yesterday of my good friend and former colleague the Honorable Oscar Youngdahl, of Minneapolis.

My friendship and association in the State of Minnesota with Mr. Youngdahl goes back many years. Those associations were not only of friendship but were of a nature of civic and veteran affairs, as well as my association here in the House.

Oscar was always kind and thoughtful and was one ever to be helpful, to friends and associates. He had preceded me in election to the House and, as an example of his kindness and thoughtfulness, when I was elected to the Seventy-seventh Congress he made arrangements for my congressional offices.

He served in the Navy in World War I. In 1931 he was State commander of the American Legion, Department of Minnesota, and following World War I he devoted much of his time to the cause of the veterans.

He was an intense American. He had definite ideas and ideals and the courage of his convictions. As a Member of Congress he served on the important Interstate and Foreign Commerce Committee and was a valued member of that committee. It is my judgment that no one in Congress was more conscientious in assiduously attending to the problems of the people of his congressional district. He had a deep sense of loyalty, not only to his duties of office but to his friends, and he was held in affection and esteem by his colleagues in Congress and his many friends.

It is difficult to express the personal sorrow that I feel in his passing. I know that I have lost a true friend and I shall always treasure the friendship which has existed between us through the years.

Oscar Youngdahl comes from a distinguished Minnesota family. I know his affection and concern for his wife and his four children. I do wish to convey to his widow and his children, and to his distinguished brothers who survive him, my deepest sympathy in the loss of their husband, father and brother.

To his family and to those who knew and loved Oscar Youngdahl as a friend, we may take comfort in the following lines:

Death is only a quiet door
Set in a garden wall;
On gentle hinges it gives, at dusk
When the thrushes call.
Along the lintel are green leaves,
Beyond the light lies still;
Very willing and weary feet
Go over that sill.
There is nothing to trouble any heart
Nothing to hurt at all
Death is only a quiet door,
In an old garden wall.

May his soul rest in peace.

The SPEAKER. The Chair recognizes the gentleman from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. Speaker, Oscar Youngdahl had his friends in South Dakota too, where he often visited. One of his brothers was a director of music in one of our colleges. On the floor of the House, I came to know and respect him.

Mr. Speaker, Oscar Youngdahl's friends in South Dakota join with the people of Minnesota in sorrow over his untimely death.

The SPEAKER. The Chair recognizes the gentleman from Iowa [Mr. JENSEN].

Mr. JENSEN. Mr. Speaker, I join with my colleagues in expressing my deep sorrow in the passing of my old friend, Oscar Youngdahl. He was every inch a patriot. He had the courage of his convictions. I admired him for his many, many fine qualities as a man. I do not have words adequate to express my deep feeling of regret that Oscar Youngdahl will be with us no more.

To his wife and family I extend deepest sympathy. May the same God who has called Oscar to his heavenly home give his good wife and family strength.

Mr. LECOMPTE. Mr. Speaker, I could not let this occasion go by without expressing my admiration and deep affection for Oscar Youngdahl. He came to the Seventy-sixth Congress when a great many new Members were entering Congress, and almost at once he won the affection especially of the younger Members and the respect, I think, of the older Members. Oscar Youngdahl was a stalwart American; courageous, a man who

had convictions, and never lacked the courage to uphold those convictions.

In this hour of sadness I feel certain that his bereaved wife and children will be comforted by the recollection of the many happy years they spent together.

Mr. VORYS of Ohio. Mr. Speaker, I was shocked today to learn that Oscar Youngdahl had passed away. I came with him as a freshman in the Seventy-sixth Congress, and we were associated together in our work on the floor; we had offices near each other, and we met as friends outside of Congress on many occasions.

I remember he had a birthday party in his office when he introduced a number of his friends to the delights and mysteries of the smorgasbord, that wonderful Scandinavian institution. I remember in his office the pictures of his fine wife, whom I met, and of his splendid children.

Perhaps these seem like little things to bring up at a time like this. When our friends pass on, and we realize we shall never see them again, and we view their whole lives as we knew them, the little, friendly, human things, and the big, eternal things in their lives come together in our minds and hearts. I am feeling that way now about Oscar Youngdahl.

He was my friend, he was a valued colleague, and he made his contribution here in Congress during the difficult times before Pearl Harbor. Soldier, lawyer, statesman, and friend; his loss will be mourned by his colleagues in Congress, by his family and friends, but the world is better because Oscar Youngdahl was here.

Mr. MARTIN of Massachusetts. Mr. Speaker, I join my colleagues in expressing my deep sympathy at the death of our former colleague, Mr. Youngdahl. It was my privilege to serve with him a number of years here.

I knew the character of the man he was, the splendid service he rendered to the country, and I join with all those who express to his wife and family their deep sympathy.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. Mr. Speaker, speaking for the Democratic side of the House, I want to join with our distinguished minority leader, the Members of the Minnesota delegation, and the others who have spoken on that side of the aisle in expressing their deep sorrow at the passing of our distinguished late colleague, Oscar Youngdahl. We also join with you in expressions of sympathy to the loved ones, his wife and children, who are left behind him.

Mr. MARTIN of Massachusetts. I thank the gentleman for his generous words.

PERMISSION TO ADDRESS THE HOUSE

Mr. SAVAGE. Mr. Speaker, I have a special order to address the House today. I ask unanimous consent that that time be vacated and that I be permitted to address the House for 20 minutes on Wednesday, February 13, after disposition of matters on the Speaker's desk and at the conclusion of any special orders heretofore entered.

EXTENSION OF REMARKS

Mrs. DOUGLAS of California. Mr. Speaker, on January 22, 24, 25, 28, 29, 30, 31, and on February 1, 1946, there appeared in the CONGRESSIONAL RECORD my remarks entitled "The Negro Soldier." I ask unanimous consent that these remarks be printed together in the permanent RECORD under date of February 1, 1946.

The SPEAKER. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mr. JUDD asked and was given permission to extend his remarks in the RECORD in three instances and to include excerpts in each.

Mrs. ROGERS of Massachusetts asked and was given permission to extend her remarks in the RECORD and include a very fine article of appreciation of the beautiful daughter of Hon. Bruce Barton.

Mr. HAYS asked and was given permission to extend his remarks in the RECORD and include a proposed substitute which he expects to offer for the Case amendment to the pending bill.

Mr. ROWAN asked and was given permission to extend his remarks in the RECORD and include an article from the Chicago Daily Times.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a very interesting letter that I received from Dr. Frederick J. Bailey, health commissioner of the city of Boston, on the results that have come from the use of the compound or insecticide known as DDT in certain sections of Boston on infantile paralysis cases as well as other types. I am sure that the medical authorities throughout the country will be very interested in these results as disclosed by the letter of the health commissioner of Boston.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. Under previous order of the House the gentleman from California [Mr. PHILLIPS] is recognized for 1 hour.

A REPORT ON THE OPA

Mr. PHILLIPS. Mr. Speaker, when Adolf Hitler was still a paperhanger, trying to improve his social and economic conditions by becoming a political leader, he spent some time in a Landsberg jail. Other than the fact that his freedom was restrained—a condition he subsequently imposed on an entire nation—it was not an unpleasant vacation and it gave him time to write a monumental work called Mein Kampf. The world never took this book seriously enough at that time, and still does not take it as seriously as it deserves.

Hitler was not an experienced writer. He belonged rather in the group of political pamphleteers. Mein Kampf therefore is now, and will continue to be for many generations, one of the important political tracts of the period through which the world is passing.

Mein Kampf is, in effect, a psychological autobiography. It put down in writing just exactly what the future "fuehrer" intended to do, and why he intended to do it. It also says frankly why he thought these ideas would succeed, just as the CIO-PAC, for example, in this country, puts down frankly just how it runs its political campaigns, and why it thinks its methods will succeed.

The reason I say that Mein Kampf is taken with too little seriousness in the United States is because it contained then, in 1926—Hitler was sentenced in the peoples court at Munich in 1924 and wrote Mein Kampf during the next 2 years—and still contains, the blueprint of certain methods now being used politically in the United States.

For example, I quote from page 108 of Mein Kampf, in which Mr. Hitler proclaims to an apathetic world his belief in certain propaganda methods and his reasons for that belief:

> What we mean by the words "public opinion" depends only to the smallest extent on the individual's own experiences or knowledge, and largely on an image, frequently created by a penetrating and persistent sort of so-called enlightenment.

Please observe, Mr. Speaker, the words "penetrating and persistent."

There are other quotations, and I tried in the short time I had before preparing this talk, to find his comment, which I am certain is in Mein Kampf, concerning the power of repetition. To put it in my own words, if the propagandist repeats a false statement often enough, not only do the people believe it, but he himself may eventually believe it.

The similarity between the methods advised by the late Mr. Hitler and the present Mr. Bowles, should not be overlooked. This is exactly the program of the OPA.

CREDIT WHERE CREDIT IS DUE

Obviously, Mr. Speaker, I could explore this subject, and elaborate upon its details. My intention today, is simply to give credit where credit is due. It is a common thing, in science, to attach the name of the discoverer, or the name of the principal developer, to some method or to some disease or to some discovery. We speak, for example, of Parkinson's disease, an inflammation of the spinal cord; we speak of Weil's disease, a serious blood disease; or we speak of Winckel's disease, an internal hemorrhage in new-born infants. These are examples of what I mean.

Mr. Hitler pointed out this method, and Mr. Bowles has taken it almost without change and has imposed it upon the still apathetic housewives of the United States. I think therefore, in simple fairness to Mr. Bowles, we should in the future refer to this propaganda method as "the Hitler-Bowles method."

At the moment it is being used openly to renew the life of the OPA, and thus impose on the men and women of America a control which is the forerunner of national socialism.

I am on the floor today, Mr. Speaker, to give accurate figures regarding the citrus prices and to trace, step by step, the procedure used by the OPA to deceive the American housewives between November 19 and January 4.

CHARGES SUBSTANTIATED

These figures will substantiate the charges made by the Republican Congressional Food Study Committee, which were as follows:

1. OPA failed to remove price ceilings, as it had agreed to do, late in July 1945, when average orange prices fell far below ceiling.

2. OPA thereafter consistently refused to keep its promise to remove ceilings, although wholesale prices of oranges were from 50 cents to $2.24 below ceilings for 18 weeks prior to November 19.

3. Having failed to remove ceilings when it should have done so, OPA suddenly suspended ceiling prices on November 19, when the demand was highest and the supply the lowest for several weeks. OPA announced this suspension would be reviewed after 60 days.

4. In removing ceilings just 3 days before Thanksgiving, OPA did so with the knowledge that market conditions would almost certainly bring about a sharp increase in the price of the better grades of citrus fruit. This is the history of holiday marketing in many commodities.

5. OPA propagandists, from district and local press agents to Chester Bowles himself, immediately began a systematic propaganda campaign. They ignored the average price of citrus fruit; talked only of the skyrocketing of a few specialty grades; implied that their distorted version was a true picture of citrus prices; and drew from this the conclusion that "this is what happens when ceiling prices are removed, therefore OPA must be continued beyond June 30."

6. Completing the price coup, OPA succeeded in having ceiling prices reimposed on January 3, at a time when adequate supplies were just beginning to reach the market, when prices were already on their way down, and when the citrus market was historically in its period of lowest seasonal prices.

7. In his public statement of January 5, 1946, Mr. Bowles stoops to the low level of using erroneous figures and false ceiling prices in order to make market prices during the period of suspension appear relatively higher than they actually were.

Several times, Mr. Speaker, while this matter was being argued between the OPA, the Office of Economic Stabilization, and the Department of Agriculture, members of the Republican Congressional Food Study Committee, besides myself, accused the OPA of deliberately issuing misleading figures on citrus price ceilings and thus attempting to provide propaganda for the continuation of the OPA.

On December 21—CONGRESSIONAL RECORD, page 12535—as on December 6—CONGRESSIONAL RECORD, page 11602—I gave, in the well of this House, the accurate figures regarding both increased and decreased prices to the housewives for citrus fruits. I pointed out, Mr. Speaker, as you will remember, that on the OPA's own figures the percentage of citrus fruits selling over the ceiling was actually less than before the ceiling prices had been taken off. I also pointed out that the increase up to that time, for all kinds of citrus fruits, over the United States, was 2.1 cents per box. In order to find the average increase for oranges, you have only to divide 8.6 cents by something over 200 oranges. I said then, and I repeat now, that this does not seem to me to be a very startling nor a very inflationary trend, and that so far as I am concerned my heart is not bleeding for the well-to-do purchasers of large sizes, or early fruit, sold on the high-priced city markets.

I also pointed out, as you will remember, that there were difficulties in certain markets, particularly in some markets mentioned here on the floor, because of transportation troubles, and that this exists any time, and has very little relation to whether or not we have a ceiling price. Then, Mr. Speaker, in the December 21 speech I gave figures, all of them pointing out inaccuracies in the figures announced publicly by the OPA, and bringing the market prices up to date.

I was trying to show that the housewife benefits directly from as nearly normal a market as possible, and that certainly nothing in the citrus situation justified the concern which I now recognize as part of the Hitler-Bowles method, which was then being expressed by the OPA Administrator.

PROMISED TO GIVE MORE FIGURES

I said to you, Mr. Speaker, that I would return to this floor following the recess, and give more figures, again bringing the situation up to date. All members of Congress know what has happened in the meantime. As soon as the Congress recessed, on December 21, the pressure increased steadily. I mean the pressure to return the ceilings. Having delayed taking off the ceilings, when they were requested prior to October, and having taken them off on November 19, which is historically the time prices begin to rise, ceilings or no ceilings, and when fruit is scarcest, and when the holiday season approaches, all the machinery of propaganda, under the Hitler-Bowles method, was exerted to force the ceilings back on again.

I think it should be said to the credit of the Secretary of Agriculture, that he at no time was part of this conspiracy. Correct figures were at all times available in the Department of Agriculture. I now say, in the simplest possible language that the figures which Mr. Bowles credited to the Department of Agriculture, are not the figures the Department of Agriculture uses to represent citrus prices. I also say that the order announced about January 3, which returned price ceilings, was not favored by the Secretary of Agriculture, and this is a matter of record. He only approved it when directed to do so by the Office of Economic Stabilization. The order returning citrus ceilings, came from the office of Judge Collett, the Office of Economic Stabilization.

Mr. Speaker, I will now support these charges. On January 5, 1946, Mr. Bowles released to the press what he called a reply to the charges which had been made by the gentleman from Ohio [Mr. JENKINS] and myself and restated by the distinguished junior Senator from Nebraska [Senator WHERRY]. In this Mr. Bowles did not attempt to disprove the charge of propaganda, and admitted that OPA anticipated, when price ceilings were removed on November 19, that the prices of some oranges and grapefruit would go up. Mr. Bowles' reply contains misstatements of fact, and misrepresentations. It demonstrates effectively the truth of the charge that OPA has deliberately misrepresented the citrus situation and is using it for propaganda purposes.

Mr. JENKINS. Mr. Speaker, will the gentleman yield?

Mr. PHILLIPS. I yield to the distinguished gentleman from Ohio, the chairman of the Republican Congressional Food Study Committee.

Mr. JENKINS. Is it not a fact, at least it has been my experience, that all the trade journals dealing with citrus, which I read, found the facts consistent with the statements of the gentleman from California and myself?

Mr. PHILLIPS. These figures have been carefully checked.

Mr. JENKINS. And at no time have I found the statement made by any responsible agency or trade journal which contradicted the statements which we made.

Mr. PHILLIPS. The gentleman is absolutely correct. All of the statements have been checked and verified.

In this "reply to charges by Senator WHERRY and Representatives JENKINS and PHILLIPS," to quote the letter, that OPA deliberately misrepresented citrus fruit prices in order to provide itself with a propaganda theme for continuation of the OPA, Mr. Bowles admits that OPA knew prices would go up when it removed ceilings on November 19.

I quote Mr. Bowles:

> It was anticipated that because of extraordinary demand for fruits just before Thanksgiving and before Christmastime there might be temporary upward price flurries particularly in special oranges.

This is exactly what the Republican Congressional Food Study Committee had charged—that OPA knew when it took price ceilings off that prices of some citrus fruits would advance. That OPA was prepared to take advantage of the example of decontrol thus afforded, is demonstrated by the almost verbatim press releases from OPA which appeared in papers throughout the country, and from the many references by Mr. Bowles himself to the skyrocketing of citrus fruit prices.

In each case, it should be pointed out, the OPA carefully selected only the highest prices it could find anywhere on the citrus market nationally, and consistently concealed from the American housewives, from whose pocketbooks the money must come, the fact that since average prices were little, if any, above the ceiling, then of necessity the housewives were buying a very large percentage of their citrus requirements at less than the prices before the ceilings were removed.

We do not need to go out of the city of Washington to demonstrate this fact. The citrus industry filed, with Judge Collett, tear-sheets from newspapers from all parts of the United States. I offer today only Washington tear-sheets, and I do not need to remind any Member of this House of the fact that Washington prices are not the lowest in the United States.

Here are advertisements from the Washington Evening Star, beginning with Monday, November 26, and running to Thursday, January 3, showing the prices of oranges and grapefruit in one

large group of retail stores. Citrus prices never went over OPA ceilings in this group during the entire period of suspension. On Florida grapefruit and oranges, prices were substantially below ceiling throughout that period. Keep in mind, please, Mr. Speaker, that this was the period used by the OPA during the systematic compaign under the Hitler-Bowles method. Oranges and grapefruit were available in adequate quantities. Please observe that these stores were offering them by the box. With a grapefruit ceiling of 7½ cents, they were advertised five times at 6 cents per pound; three times at 7 cents, and never went over 7 cents. Oranges, with a ceiling of 8½ cents, were advertised twice at 5 pounds for 33 cents; once at 5 pounds for 31 cents, and five times at 10 pounds for 65 cents.

Texas grapefruit, with a ceiling of 9 cents, was advertised three times for 7 cents per pound, and four times at 9 cents; always under the previous OPA ceiling.

In addition to these local papers I have tear-sheets from Syracuse, N. Y., from Burlington, Iowa, and from Hutchinson, Kans. The story in each advertisement is the same; oranges and grapefruit, of the sizes the housewives want, in adequate quantities at less than ceiling prices. This is not the story told to the buying public of the United States by the OPA, under the Hitler-Bowles method.

MR. BOWLES ADMITS CHARGE

Mr. Bowles has, therefore, admitted the only portion of the charges made by the Republican Congressional Food Study Committee which was not already a matter of general public knowledge. There are, however, other misstatements and misrepresentations in Mr. Bowles' so-called reply. For example:

First. Says Mr. Bowles:

> Beginning in the late summer and early fall, OPA was under constant and heavy pressure from citrus-trade interests to remove price ceilings from citrus fruits.

The facts are: The pressure for modification or removal of citrus-fruit ceilings started in March 1945, when representatives of the citrus industry from California, Arizona, Texas, and Florida came to Washington.

The reasons for requesting removal of citrus prices at that time was that a bumper crop of citrus fruit was then a certainty; there was going to be a record crop of Valencia oranges, but the oranges themselves were going to be the smallest on record. Experience has shown conclusively that OPA ceiling prices tend to become floor prices at the wholesale and retail levels, thus pegging artificially the prices of small fruits at or near ceiling prices and preventing the normal movement of small sizes of fruit, and the normal savings to the housewives which automatically occur when the trade lowers the price on such fruit in order to dispose of it.

After a study of the data presented by the citrus growers and the Department of Agriculture:

> OPA promised in April that when the average prices at auction dropped 50 cents below the ceiling price for a period of 10 days, they would suspend ceilings. This promise was never kept.

I quote a statement by Mr. J. A. Stewart, general manager, Mutual Orange Distributors.

The condition prescribed by OPA was met on July 28, 1945, when the average price of oranges at 10 auction markets dropped to a point $1.52 below ceiling. On July 30 the citrus growers filed a formal petition with OPA and the Department of Agriculture, asking that the agreement to remove ceiling prices be carried out. I interrupt myself here, Mr. Speaker, only to call to your attention that Mr. Bowles has several times made this statement regarding ceiling removals; on October 23, before the Banking and Currency Committee of the Senate, he said:

> As rapidly as supply and demand come into balance * * * other controls will be suspended. However, we will maintain a cautious watch over the price trends in this field and reestablish any suspended ceilings whenever inflationary price movements develop.

And in a letter to the House Appropriations Committee dated October 1—Report 1125—he said:

> Continuing studies of the supply-demand picture are being carried on in each price branch * * * in conjunction with the other agencies of the Government. Controls are being dropped and will be dropped as promptly as supply comes up to demand. It is the policy of the agency to drop controls a little too early, rather than too late, as long as there appears to be no likelihood of a similar increase in the price level.

In spite of its promise to do so, however, OPA refused to remove citrus ceilings during the 18 weeks in which the price of oranges remained from 50 cents to $2.24 a box below ceilings, just as it has delayed or refused to remove other ceilings where this should have been done under Mr. Bowles' own statements. Then on November 19, as supplies were becoming scarce and as the extraordinary holiday demand was beginning to appear, price ceilings were suddenly suspended.

Following are the weekly averages of the 10 auction markets accepted by the citrus industry and by the Department of Agriculture as a reliable guide to citrus-fruit prices, starting with the date prices dropped below ceiling:

	Number of cars	Average	Amount below ceiling
Week ending—			
June 24, 1945	358	$5.85	
June 30, 1945	444	5.84	$0.01
July 7, 1945	486	5.84	.01
July 14, 1945	421	5.80	.05
July 21, 1945	432	5.34	.51
July 28, 1945	700	4.33	1.52
Aug. 4, 1945	840	3.70	2.15
Aug. 11, 1945	893	3.61	2.24
Aug. 18, 1945	485	3.65	2.20
Aug. 25, 1945	663	4.35	1.50
Sept. 1, 1945	571	4.73	1.12
Sept. 8, 1945	585	4.68	1.17
Sept. 15, 1945	650	4.34	1.51
Sept. 22, 1945	661	4.55	1.30
Sept. 29, 1945	637	4.47	1.38
Oct. 6, 1945	649	4.59	1.26
Oct. 13, 1945	674	4.54	1.31
Oct. 20, 1945	668	4.49	1.36
Oct. 27, 1945	527	4.51	1.34
Nov. 3, 1945	484	4.43	1.42
Nov. 10, 1945	480	4.18	1.67
Nov. 17, 1945	370	4.40	1.45
Nov. 24, 1945	293	5.47	
Dec. 1, 1945	370	5.62	
Dec. 8, 1945	412	5.26	.10
Dec. 15, 1945	451	5.24	.12
Dec. 22, 1945	324	6.22	
Dec. 29, 1945	177	6.03	
Jan. 5, 1946	304	5.29	.07

The validity of the citrus industry's claim that OPA ceilings unbalance the price situation and tend to become floor prices as well as ceilings, is demonstrated by the following table. As is clearly indicated by this table, the price the consumer pays for oranges, under OPA ceilings, has gone up proportionately higher than it did on a free market, and has stayed there longer.

Oranges—fresh: Retail price per dozen by months, 1934–44

Year	Unit	January	February	March	April	May	June	July	August	September	October	November	December	Average	Spread
1934	Cent	27.4	26.3	26.6	26.0	27.5	34.7	33.9	33.4	34.0	33.2	31.6	27.4	30.2	8.7
1935	do	28.5	29.3	28.3	31.1	32.0	30.1	29.6	29.4	31.6	31.1	30.4	29.9	30.1	3.7
1936	do	28.9	28.5	29.2	28.0	29.9	32.3	32.6	33.6	33.8	35.0	32.1	27.9	31.0	7.1
1937	do	27.9	34.0	33.8	35.3	36.3	37.5	39.6	41.8	41.4	42.0	32.7	27.7	35.8	14.3
1938	do	23.9	23.5	24.2	23.5	25.7	25.9	26.6	27.7	28.2	26.3	25.1	25.1	25.5	4.7
1939	do	24.4	23.3	22.9	23.7	24.9	26.9	28.2	28.5	31.6	32.0	27.6	25.1	26.6	9.1
1940	do	23.0	25.2	25.5	26.5	29.2	30.9	28.8	28.9	28.1	27.8	26.2	25.7	27.2	7.9
1941	do	25.4	25.6	25.9	26.2	26.9	27.6	28.1	33.6	32.5	35.8	36.3	28.6	29.4	10.9
1942	do	27.8	25.2	27.9	27.1	29.7	33.8	34.0	36.8	36.4	41.5	41.9	40.9	33.6	16.7
1943	do	36.0	35.7	38.3	39.0	41.5	43.2	47.2	49.4	50.7	50.6	44.4	42.1	43.2	15.0
1944	do	39.2	36.3	40.5	43.3	44.7	45.9	46.4	48.5	48.6	47.8	43.8	41.6	43.9	12.3

It will be noted from the study of the table of retail prices that, before price control, orange prices tended to reach their highest point about September and thereafter tapered off rather rapidly to reach their low about January, with an average spread between the highest and the lowest average monthly price, of 8.3 cents for the 8 years 1934 to 1941. With the impact of price control the market lost its flexibility and not only showed a tendency to reach high prices earlier, but continued them longer, and resulted in a far greater spread, between the season's high and low prices, than on a free market.

For the 3 years 1942–44, inclusive, the average spread was 14.7 cents. This represents an unnecessary cost to the consumer resulting from the destruction of market flexibility by price regulations

and the tendency of ceiling prices to become floor prices. Thus the OPA, except in those instances of definite scarcities, easily determined and foretold, has not operated to lower prices to the housewives but has operated to increase the prices they must pay.

Second. Says Mr. Bowles:

In early November, however, it became apparent that the bumper crop would actually materialize, that it was moving toward the market, and that prices were beginning to fall below ceilings.

The facts are: There are two misstatements of fact in this one sentence:

First, prices were not "beginning to fall below ceilings"; the price of oranges had been from 50 cents to $2.24 below ceilings for the past 18 weeks, and rather than "beginning" to fall had actually increased somewhat after reaching their low point in mid-August; and second, the bumper crop was not "moving toward the market" but supplies were actually at their lowest point for many weeks on November 19, the date Mr. Bowles chose as the strategic moment to lift ceiling prices.

The fruit that was "moving toward the market," at the time price controls were lifted, was that which had been shipped during the three previous weeks. Shipping records compiled by the Department of Agriculture show that orange shipments for the week ending November 17, 1945, were the lowest since the week ending October 6, 1945.

For a month previous to the moment selected by Mr. Bowles for lifting citrus fruit prices, orange shipments had been falling off and for the 3 weeks immediately preceding November 19—the supplies which were reaching the market at the time ceilings were removed—total shipments of orange had averaged only 2,762 cars per week—just about half the normal movement after the full winter supply of oranges reaches maturity.

The following table shows total United States shipments of oranges for the period August 4 to December 1, 1945:

[Standard cars]

	California-Arizona		Total	Florida	Texas	Total
	Navals	Valencias				
	1	2	3	4	5	6
Week ending—						
Aug. 4, 1945	----------	2,001	2,001	----------	----------	2,001
Aug. 11, 1945	----------	1,779	1,779	----------	----------	1,779
Aug. 18, 1945	----------	2,133	2,133	----------	----------	2,133
Aug. 25, 1945	----------	2,460	2,460	----------	----------	2,460
Sept. 1, 1945	----------	2,446	2,446	----------	----------	2,446
Sept. 8, 1945	----------	2,411	2,411	----------	----------	2,411
Sept. 15, 1945	----------	2,439	2,439	----------	----------	2,439
Sept. 22, 1945	----------	2,588	2,588	----------	----------	2,588
Sept 29, 1945	----------	2,284	2,284	13	----------	2,297
Oct. 6, 1945	----------	2,116	2,116	135	----------	2,251
Oct. 13, 1945	----------	2,211	2,211	433	----------	2,644
Oct. 20, 1945	----------	1,854	1,854	965	175	2,994
Oct. 27, 1945	----------	1,574	1,574	1,623	402	3,599
Nov. 3, 1945	----------	1,003	1,003	1,605	337	2,945
Nov. 10, 1945	----------	874	874	1,521	324	2,719
Nov. 17, 1945	84	674	762	1,551	308	2,621
Nov. 24, 1945	1,042	408	1,450	2,462	459	4,371
Dec. 1, 1945	2,099	385	2,484	2,772	571	5,827
Total	3,225	31,644	34,869	13,080	2,576	50,525

The historical price pattern should have been sufficient warning to OPA not to remove ceiling prices in mid-November if it sincerely intended to keep prices down. An examination of the monthly retail price chart on page 8 discloses that, historically, the retail price of oranges in November is still well above the yearly average, and that the lowest price—indicating adequate supplies—is not automatically reached until after the first of the year. This was the time chosen by the OPA to reinstate price ceilings. It will be noted that in the 10 years 1934–43, for which revised retail figures are available, the November price of oranges was well above the average annual price in all but 3 years.

Third. Bowles says:

After the price flurries in specialty oranges during the Thanksgiving holiday had leveled off, the average of all citrus prices continued to move steadily upward.

Throughout the period of price suspension, OPA utilized every medium of propaganda to capitalize on the increase in the price of specialty citrus fruits which had been brought about by its action. This started with simultaneous and almost verbatim press releases from OPA regional offices throughout the country the day after ceilings were removed, and continued throughout the period of price suspension, in the form of statements by Mr. Bowles, by regional and local OPA press agents, and by other inspired spokesmen. These statements employed a uniform technique; the average price of citrus fruit was ignored; prices quoted were invariably the highest that could be found, even though they might reflect the price of only a few boxes of specialty oranges out of carloads of all grades which had been sold; the statements uniformly pointed to the increase in citrus prices as an example of what happens when ceilings are removed, and exploited this incident as a major argument in favor of the indefinite continuation of price controls.

Mr. JENKINS. Mr. Speaker, will the gentleman yield?

Mr. PHILLIPS. I yield.

Mr. JENKINS. I want to compliment the gentleman on the great amount of work he has done in getting these facts together. I gave it only a cursory survey, and I found what the gentleman said with reference to the similarity of these advertisements. All through the little county papers in my district I found that Mr. Bowles, or someone, was inducing the local OPA officials to get out that same sort of statement in the newspapers favorable to the OPA, and in every one of these was a stereotyped statement with reference to these citrus prices—that these people could not possibly have known what the citrus market was because they are far inland and they had no reason to know. That is one thing I think the OPA should be condemned for because it uses its office for propaganda purposes on the people of the country.

Mr. PHILLIPS. Did not the gentleman tell me at one time privately that one of the newspaper editors in his State had finally gotten tired of this method and had put a notice in that "This news item has been requested by the OPA"?

Mr. JENKINS. Yes. That did appear in one of my little county papers.

Mr. PHILLIPS. The following statement by Mr. Bowles, made to the National Association of Manufacturers December 6, 1945, is typical:

Some grades of oranges, lemons, and grapefruit moved up 50 to 100 percent in the first few days following the action of OPA in removing the price restrictions. If this occurred on food products which seemed to be in adequate supply, what would happen to meat, vegetables, milk, cereals, and all the other dozens of food products which are in more scarce supply?

The facts are: Prices of some specialty grades of citrus fruits did advance sharply when ceilings were removed. This is not denied. In fact, it is the basis of the charge which has been made against Mr. Bowles—that ceilings were removed at a time when it was known that exactly this reaction would take place. It is further charged that in exploiting this situation which it had created, OPA consistently ignored the average price of citrus fruit and publicized only disproportionately high prices, which were not representative of the market as a whole and which had the effect of misleading the American people.

The further facts are: That throughout the entire period of price suspension the price of all oranges sold at the 10 largest wholesale markets in the United States was only 11 cents a box above the ceiling price. Since there are more than 220 oranges to the average box, this amounts to an increase of one-twentieth of 1 cent per orange.

During the same period, Department of Agriculture records show that the average ceiling price of Florida interior grapefruit was only 9 cents a box above previous OPA ceilings, while Texas grapefruit averaged 25 cents a box below the previous ceiling. The average of all grapefruit sold during the period was only 25 cents a box above previous OPA ceiling prices, and for all oranges and grapefruit—except Florida Indian River grapefruit—the average price was only 5 cents above the ceiling, again less than one-twentieth of 1 cent for grapefruit or oranges.

Far from being a runaway price situation, the prices of citrus fruits probably were a normal reflection of the market conditions which existed during the

period of price suspension. One of the major factors was inadequate supply. Mr. Bowles himself admits this when he says that—

The first reason—

For sustained high prices—

was that shortages of freight cars, which still persist, have made it difficult to bring this huge crop actually into the retail market.

The following table shows the average prices of all oranges and grapefruit during the period of price suspension:

10 auction average prices compared with average ceiling prices (each weighted by number of cars sold in each market) for entire period of suspended ceiling Nov. 19, 1945, to Jan. 3, 1946

	Cars	Actual price	Ceiling price	Differential
ORANGES				
Florida:				*Cents*
Interior	1,192	$4.49	$4.59	−10
Indian River	502	5.35	5.00	+35
California	1,759	5.55	5.37	+18
Total	3,453	5.16	5.05	+11
GRAPEFRUIT				
Florida, interior	154	3.68	3.59	+09
Texas	619	3.33	3.58	−25
Subtotal	773	3.40	3.58	−18
Florida, Indian River	562	4.95	4.10	+85
Total	1,335	4.05	3.80	+25
COMBINED ORANGES AND GRAPEFRUIT				
All except Florida, Indian River grapefruit	4,226	4.83	4.78	+05
All	4,788	4.85	4.70	+15

The following table gives the week-by-week prices of oranges and grapefruit at the 10 leading auction markets in the United States:

Orange prices—10 auction averages

	Florida oranges				California oranges	
	Interior		Indian River			
Approximate ceiling	$4.60		$5.00		$5.36	
	Cars	*Price*	*Cars*	*Price*	*Cars*	*Price*
Week ending Nov. 23	160	4.23	42	4.63	237	5.44
Week ending Nov. 30	204	4.27	61	4.84	299	5.61
Week ending Dec. 7	243	4.36	78	5.15	330	5.26
Week ending Dec. 14	206	4.34	95	4.96	354	5.26
Week ending Dec. 21	211	4.51	118	5.15	222	6.34
Week ending Dec. 28	86	5.16	66	6.58	127	6.41
Jan. 2, 1946	46	5.44	17	7.00	117	5.42
Jan. 3, 1946	36	5.20	25	6.42	73	5.17
	Cumulative					
1 week	160	4.23	42	4.63	237	5.44
2 weeks	364	4.26	103	4.78	536	5.54
3 weeks	607	4.29	181	4.92	866	5.43
4 weeks	813	4.31	276	4.94	1,220	5.36
5 weeks	1,024	4.35	394	5.00	1,442	5.51
6 weeks	1,110	4.42	460	5.23	1,569	5.58
Aggregate (Nov. 19, 1945, to Jan. 4, 1946)	1,192	4.49	502	5.35	1,759	5.55

Grapefruit prices—10 auction averages

	Florida grapefruit				Texas grapefruit	
	Interior		Indian River			
Approximate ceiling	$3.60		$4.10		$3.56	
Pink	4.27		4.27		4.27	
	Cars	*Price*	*Cars*	*Price*	*Cars*	*Price*
Week ending Nov. 23	17	3.88	78	4.78	52	3.45
Week ending Nov. 30	18	4.02	90	4.81	66	3.51
Week ending Dec. 7	32	3.96	80	5.10	105	3.46
Week ending Dec. 14	24	3.50	95	4.82	136	3.22
Week ending Dec. 21	17	3.66	97	5.12	148	3.25
Week ending Dec. 28	31	3.37	75	5.29	63	3.28
Jan. 2, 1946	6	3.24	24	4.76	34	3.39
Jan. 3, 1946	9	3.01	23	4.49	16	3.22
			Cumulative			
1 week	17	3.88	78	4.78	52	3.45
2 weeks	35	3.95	168	4.79	118	3.48
3 weeks	67	3.96	248	4.89	223	3.47
4 weeks	91	3.88	343	4.87	359	3.38
5 weeks	108	3.85	440	4.93	507	3.34
6 weeks	139	3.74	515	4.98	569	3.33
Aggregate (Nov. 19, 1945, to Jan. 4, 1946)	154	3.68	562	4.95	619	3.33

Fourth. Mr. Bowles says:

We could fulfill our responsibility to the consumers of the country only by recommending the immediate restoration of controls.

The fact is Mr. Bowles had to hurry to get under the wire before the seasonal drop in orange and grapefruit prices. His order restoring price ceilings just barely made it. This made the OPA look good. But historical evidence indicates that the prices of citrus fruits always decline rapidly immediately after the first of the year, because of the seasonal production then moving to market. Reference to the monthly retail prices in the chart on page 8 will indicate that prices in January and February are invariably the lowest of the season.

On the wholesale market the average weekly prices for the past 3 years have been:

Week ending:	
Dec. 22	$5.67
Dec. 29	4.99
Jan. 5	4.37
Jan. 12	3.92
Jan. 19	3.83

Fifth. Mr. Bowles says that the charges by the gentleman from Ohio [Mr. JENKINS] and the gentleman from California [Mr. PHILLIPS] and Senator WHERRY that OPA removed ceilings on citrus fruits to provide a "shining example of the horrors of removing price controls" is "ridiculous."

The fact is even in his press release seeking to refute the charges Mr. Bowles himself provides the strongest evidence that OPA has been and is now deliberately misrepresenting the citrus fruit situation in order to mislead the American people.

In his statement Mr. Bowles includes a supposedly authentic chart of citrus fruit prices and ceilings which is so erroneous and misleading that it must be seen to be believed. It is reproduced exactly as it appeared in Mr. Bowles' own press release, including the explanatory paragraph prepared by OPA, but with the addition in parentheses of the average weekly prices for the weeks from which Mr. Bowles has selected the daily prices:

TABLE FROM BOWLES' STATEMENT, JANUARY 5, 1946

As an indication of price behavior just before and following the suspension of ceilings, OPA cited the following figures, taken from Department of Agriculture reports, showing average auction prices for oranges in 10 cities—Boston, New York, Philadelphia, Baltimore, Pittsburgh, Cleveland, Cincinnati, Detroit, Chicago, and St. Louis:

Oranges

	Florida, interior	Florida, Indian River	California
Ceiling per box (average price reflected by the ceiling)	$4.06	$4.48	$4.86
Average price before suspension	[1] 3.85	[2] 4.26	[1] 4.42
Nov. 19 (date of suspension)	4.47 (4.23)	5.02 (4.63)	4.98 (5.44)
Nov. 21	3.96 (4.23)	..... (4.63)	4.35 (5.44)
Nov. 28	4.42 (4.27)	5.01 (4.84)	5.65 (5.61)
Dec. 5	4.40 (4.36)	5.43 (5.15)	5.35 (5.26)
Dec. 12	4.24 (4.34)	5.00 (4.96)	5.25 (5.26)
Dec. 14	4.35 (4.34)	5.23 (4.96)	5.41 (5.26)
Dec. 19	4.39 (4.51)	5.22 (5.15)	6.48 (6.34)
Dec. 26 (includes sales Dec. 22)	4.86 (5.16)	5.69 (6.58)	6.75 (6.41)
Dec. 27	5.27 (5.16)	6.79 (6.58)	6.07 (6.41)
Dec. 28	6.00 (5.16)	7.37 (6.58)	6.26 (6.41)
Jan. 3 (day before ceilings reinstated)	5.45 (5.33)	7.00 (6.65)	5.42 (5.32)

[1] Oct. 8 to Nov. 18.
[2] Oct. 22 to Nov. 18.

The actual ceilings: Florida interior, $4.60; Florida Indian River, $5; California, $5.36.

REVISED FIGURES

The figures in parentheses above, showing the average prices, by weeks, for the weeks in which Mr. Bowles' selected days fall, are taken from a California computation. I now list the official week-by-week averages for California oranges for the same period, furnished by the Department of Agriculture. Please observe, Mr. Speaker, that the following figures are even lower than the ones I have previously used, thus making Mr. Bowles' press release that much more inaccurate:

Week ending:	*California*
Nov. 24	$5.32
Dec. 1	5.61
Dec. 8	5.23
Dec. 15	5.25
Dec. 22	6.34
Dec. 29	6.40
Jan. 5	5.29

For the weeks following, the prices still further decreased:

Week ending:	*California*
Jan. 12	$4.99
Jan. 19	4.87
Jan. 26	4.97

Mr. KEEFE. Mr. Speaker, will the gentleman yield?

Mr. PHILLIPS. I am always happy to yield to the gentleman from Wisconsin [Mr. KEEFE], a man whose statistics have never been challenged and can never be challenged successfully.

Mr. KEEFE. I thank the gentleman. My attention has been called to and I have been furnished a copy of a full page ad which appeared just recently in the Chicago Sun, which is part of the propaganda of OPA. It is one of those pictorial reviews of the dangers of inflation.

Mr. PHILLIPS. Mr. Bowles is very fond of them.

Mr. KEEFE. And across the bottom of this pictorial review is a graph showing the tremendous rise in the price of citrus fruit. The second one is the tremendous rise in the price of mink coats. The third one is the tremendous rise in the price of juke boxes. The fourth one is the tremendous rise in the price of coconuts. Those four illustrations are used to convince the American people that if OPA is not kept with its full powers another year the price of coconuts is going up, the price of juke boxes is going up, the price of mink coats is going up, and the price of citrus fruit is going up.

I am glad that the gentleman is answering the only one in which I am interested, and that is with reference to citrus fruits. So far as I am concerned and 99 percent of the people of this country, we have not a very fundamental or primary interest in juke boxes or mink coats and I may say, perhaps, coconuts.

Mr. PHILLIPS. Mr. Bowles is constantly concerned about ceilings. It is typical that his concern is for the buyers of mink coats and coconuts.

Mr. JENKINS. Mr. Speaker, will the gentleman yield?

Mr. PHILLIPS. I yield to the gentleman from Ohio.

Mr. JENKINS. In line with what the gentleman from Wisconsin said, he clearly forgot to mention white potatoes that went down noticeably when the ceilings were taken off.

Mr. PHILLIPS. Now, I shall take up these charts and recite certain facts. I hope the Committee on Banking and Currency, before which Mr. Bowles will appear—I think tomorrow morning—for the first time, will challenge the charts, of which the gentleman from Wisconsin has just spoken, and will challenge all the figures which the OPA presents to that committee, and I would be willing to wager that a careful analysis of those facts and figures by a disinterested committee will prove them to be just as inaccurate as the citrus figures which I am now citing.

The facts are in connection with the citrus ceilings:

First. Although OPA cites the Department of Agriculture as the source of its information, the figures given do not agree with Department of Agriculture figures covering the same period.

I have just indicated this in the charts. I hope the House Committee on Banking and Currency will keep this in mind when Mr. Bowles presents his inevitable chart demonstration.

Second. Carrying out its program of deception and propaganda, OPA has selected, out of all the market days between November 19 and January 3, the 11 days which fit most nicely into its propaganda theme. The figures in parentheses, following the market figures, quoted by OPA, are the market figures for the whole week from which OPA has handpicked its daily prices. It will be noted that with only three exceptions, at least two out of the three daily prices quoted by OPA are higher than the average weekly prices for that week and must be considered, therefore, an intentional distortion of the price picture, in order to show as high prices as possible.

Third. The ceiling prices quoted by OPA are false. The correct average ceiling prices for the 10 auction markets for the 3 types of oranges listed have been added at the bottom of the chart. These were obtained from the Department of Agriculture.

Fourth. Whatever OPA's explanation may be in the future of how it arrived at what it represents to be the ceiling prices in this chart, their use in this manner can have been nothing but an outright attempt to mislead the American people. There are hardly words strong enough to characterize this kind of action by a Government agency. I characterize it as the Hitler-Bowles method.

THIS IS FRAUD

Regardless of where OPA got the figures it represents to be ceiling prices, they are not the ceilings applicable to the wholesale markets which OPA quotes. The average ceiling prices of those markets are well-known to everyone connected with the citrus trade, and must have been known to the OPA officials who prepared this statement. The use of any figures other than the correct aggregate ceilings for those markets, in connection with market prices, is nothing, Mr. Speaker, but an outright fraud.

In this statement today, I have discussed this propaganda method from the standpoint of the consumer only. It was upon the average housewife that this fraud fell most heavily. It is the mind and the pocketbook of the workingman and his wife into which the Hitler-Bowles method reaches. Mr. Bowles tried to scare the housewives into thinking they were paying exorbitant prices for oranges and grapefruit. The facts are, for the whole season, the average price for Florida interior oranges has been 41 cents below the previous ceiling, and for California oranges has been 46 cents below the previous ceiling.

Sixth, and last, Mr. Bowles says:

The charge that this was a diabolic scheme to perpetuate the OPA is ridiculous.

The fact is the charge is eminently sound, and I am told it has been made by at least one member of President Truman's Cabinet on two separate occasions.

A STRANGE COINCIDENCE

Finally, Mr. Speaker, it is in order to call attention to a marked coincidence. The fruit industry requested, in March 1945, that citrus ceilings be removed from citrus fruits not later than October. This would have been a benefit to the people of America, who want to buy oranges and grapefruit. The OPA did not remove the ceilings until November 19, and then announced that the ceilings would be kept off for 60 days, after which time the situation would be rechecked to see what the effect had been.

The prices on specialized and choice fruit, and in certain markets where the supply was short, rose during this period as it has historically risen for generations. It was about to fall, again as it has always fallen historically when the Christmas season was over. It was impossible for the OPA to wait until the time it had set—60 days. Mr. Bowles convinced the Office of Economic Stabilization that a situation existed which required urgent action. Judge Collett, against the wiser advice of the Secretary of Agriculture, issued an order replacing ceilings. This was on January 3.

On February 5, tomorrow, exactly 1 month after the successful effort to reinstate citrus ceilings—the OPA, headed by its Administrator, Mr. Chester Bowles, will come before the House Committee on Banking and Currency, to ask for its own renewal, and the protection of its own jobs. It seems to me that this is something more than an accidental coincidence.

Had the ceilings stayed off citrus fruits for the time set by the OPA, which would have been, shall we say, until about January 16, the prices would have begun to drop. There would have been no grounds for a request to return citrus ceilings. Under the Hitler-Bowles method, to permit such a condition to develop would have been improper; it was necessary to build up this straw man of inflation, in order that he might be disposed of by "Don Quixote Bowles," the great jouster against the windmills of his own imagination, the great "savior" from an inflation which amounted at its peak to 11 cents per box for an average of more than 220 oranges per box.

THE BANKING AND CURRENCY COMMITTEE WILL BE WARNED

The Republican Food Study Committee is convinced, Mr. Speaker, that the House Committee on Banking and Currency will seriously investigate this situation, and will in the future challenge all charts and all statistics which come from the Office of Price Administration as the Committee on Agriculture now does, while Mr. Chester Bowles remains as its Administrator.

EXTENSION OF REMARKS

Mr. O'KONSKI asked and was given permission to extend his remarks in the RECORD in two instances.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

To Mr. JOHNSON of Illinois (at the request of Mr. MARTIN of Massachusetts) on account of death in family.

To Mr. FULTON (at the request of Mr. CAMPBELL), indefinitely, on account of illness.

To Mr. HARNESS of Indiana (at the request of Mr. HALLECK), temporarily, on account of injury.

ADJOURNMENT

Mr. VOORHIS of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 31 minutes p. m.) the House adjourned until tomorrow, Tuesday, February 5, 1946, at 12 o'clock noon.

COMMITTEE HEARING

COMMITTEE ON THE JUDICIARY

Subcommittee No. 1 of the Committee on the Judiciary will hold a hearing on Wednesday, February 6, 1946, on the bill (H. R. 5089) to amend the First War Powers Act, 1941. The hearing will begin at 10 a. m., and will be held in the Judiciary Committee room, 346 House Office Building.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Securities Subcommittee of the Committee on Interstate and Foreign Commerce at 2 p. m. on Thursday, February 7, 1946, to continue hearings in its study of operations pursuant to the Public Utility Holding Company Act of 1935, in room 1304, House Office Building.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1023. A letter from the Administrator, Federal Security Agency, transmitting the annual report for the United States Public Health Service for the fiscal year 1945; to the Committee on Interstate and Foreign Commerce.

1024. A letter from the Secretary of the Interior, transmitting his report on the inspection of coal mines by the Bureau of Mines for the fiscal year 1945; to the Committee on Mines and Mining.

1025. A letter from the Acting Administrator, War Shipping Administration transmitting in accordance with the provisions of section 217 (b) of the Merchant Marine Act, 1936, as amended (Public Law 498, 77th Cong.), report No. 12 of action taken under section 217 of such act, as amended; to the Committee on the Merchant Marine and Fisheries.

1026. A letter from the Secretary of War, transmitting a draft of a proposed bill to amend the Canal Zone Code, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

1027. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1946 in the amount of $500,000,000, together with a revised estimate of appropriation for the fiscal year 1947, consisting of a decrease of $500,000,000, the latter in the form of an amendment to the Budget for said fiscal year, for the Veterans' Administration (H. Doc. No. 445); to the Committee on Appropriations and ordered to be printed.

1028. A communication from the President of the United States, transmitting a deficiency estimate of appropriation for the fiscal year 1940, amounting to $171.32 for the Navy Department and naval service (H. Doc. No. 446); to the Committee on Appropriations and ordered to be printed.

1029. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1946 in the amount of $159,000, for the Office of Defense Transportation (H. Doc. No. 447); to the Committee on Appropriations and ordered to be printed.

1030. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1946 in the amount of $8,000 for the Treasury Department (H. Doc. No. 448); to the Committee on Appropriations and ordered to be printed.

1031. A communication from the President of the United States, transmitting supplemental estimates of appropriation for the fiscal year 1946 in the amount of $3,075,300 for the Department of State (H. Doc. No. 449); to the Committee on Appropriations and ordered to be printed.

1032. A communication from the President of the United States, transmitting supplemental estimates of appropriation for the fiscal year 1946 in the amount of $5,512,000, together with drafts of proposed provisions pertaining to existing appropriations, for the Department of Commerce (H. Doc. No. 450); to the Committee on Appropriations and ordered to be printed.

1033. A communication from the President of the United States, transmitting supplemental estimates of appropriation for the fiscal year 1947 in the amount of $8,159,000, for the Department of Commerce, in the form of amendments to the Budget for said fiscal year (H. Doc. No. 451); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SABATH: Committee on Rules. House Resolution 504. Resolution providing for the consideration of H. R. 1118, a bill to amend the Hatch Act; without amendment (Rept. No. 1517). Referred to the House Calendar.

Mr. PHILBIN: Committee on Military Affairs. H. R. 4839. A bill to amend Public, No. 779, Seventy-seventh Congress, second session, an act to provide for furnishing transportation for certain Government and other personnel necessary for the effective prosecution of the war, and for other purposes, approved December 1, 1942, and for other purposes; without amendment (Rept. No. 1518). Referred to the Committee of the Whole House on the State of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 5322) for the relief of Mrs. Mary Wadlow, and the same was referred to the Committee on the Merchant Marine and Fisheries.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COLE of New York:

H. R. 5354. A bill to authorize the Secretary of the Navy to transfer certain property to Keuka College; to the Committee on Naval Affairs.

By Mr. KELLEY of Pennsylvania:

H. R. 5355. A bill to permit veterans in certain cases to receive readjustment allowances for unemployment due to stoppages of work which exist because of labor disputes; to the Committee on World War Veterans' Legislation.

By Mr. VINSON:

H. R. 5356. A bill to provide assistance to the Republic of China in augmenting and maintaining a naval establishment, and for other purposes; to the Committee on Naval Affairs.

By Mr. EBERHARTER:

H. R. 5357. A bill granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Monongahela River, at a point between the boroughs of Elizabeth, in Elizabeth Township, and West Elizabeth, in Jefferson Township, in the county of Allegheny, and in the Commonwealth of Pennsylvania; to the Committee on Interstate and Foreign Commerce.

By Mr. GEARHART (by request):

H. R. 5358. A bill to amend section 811 (c) of the Internal Revenue Code with respect to the inclusion in the gross estate for the purposes of the estate tax of certain transfers taking effect at death; to the Committee on Ways and Means.

By Mr. HOLIFIELD:

H. R. 5359. A bill to make imported beer and other similar imported fermented liquors subject to the internal revenue tax on fermented liquors; to the Committee on Ways and Means.

By Mr. ROE of New York:

H. R. 5360. A bill to provide for erecting a statue of Commodore John Barry upon the grounds of the United States Naval Academy at Annapolis; to the Committee on Naval Affairs.

By Mr. ROONEY:

H. R. 5361. A bill to permit the city of New York to maintain a road over Federal land; to the Committee on Military Affairs.

By Mr. MERROW:

H. R. 5362. A bill to provide for the discharge or release from active duty of members of the armed forces who have served at least 2 years; to the Committee on Military Affairs.

By Mr. McCORMACK:

H. R. 5363. A bill to provide benefits for certain employees of the United States who are veterans of World War II and lost opportunity for probational civil-service appointments by reason of their service in the armed forces of the United States; to the Committee on the Civil Service.

By Mrs. DOUGLAS of California:

H. R. 5364. A bill for the development and control of atomic energy; to the Committee on Military Affairs.

By Mr. HOLIFIELD:

H. R. 5365. A bill for the development and control of atomic energy; to the Committee on Military Affairs.

By Mr. MAY:

H. R. 5366. A bill to authorize the exchange of certain land at the Benicia Arsenal, Calif.; to the Committee on Military Affairs.

By Mr. HAYS:

H. R. 5367. A bill to protect interstate and foreign commerce by providing for the prompt, peaceful, and just settlement of labor relations controversies between employers and employees; to establish the rights and obligations of the parties thereto, and for other purposes; to the Committee on Labor.

By Mr. VINSON:

H. Res. 505. Resolution providing for the consideration of House Joint Resolution 307, a joint resolution to authorize the use of naval vessels to determine the effect of atomic weapons upon such vessels; to the Committee on Rules.

By Mr. GEELAN:

H. Res. 506. Resolution requesting the Secretary of War to furnish to the House of Representatives certain information with respect to discharges and enlistments in the Army; to the Committee on Military Affairs.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States to allocate housing appropriations upon the basis of need and of present population; to the Committee on Banking and Currency.

Also, memorial of the Legislature of the State of South Carolina, memorializing the President and the Congress of the United States to pass necessary amendments to the GI bill of rights whereby veterans in accredited schools shall receive monthly benefits for each calendar month until their graduation or severance from said school; to the Committee on World War Veterans' Legislation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CAMP:

H. R. 5368. A bill for the relief of W. G. Magruder; to the Committee on Claims.

By Mr. CARLSON:

H. R. 5369. A bill for the relief of Andrew W. Peterson; to the Committee on Claims.

By Mr. CELLER:

H. R. 5370. A bill for the relief of the widow of Reuben Malkin; to the Committee on Claims.

By Mr. CRAVENS:

H. R. 5371. A bill for the relief of Marvin Pettus; to the Committee on Claims.

By Mr. GEARHART:

H. R. 5372. A bill for the relief of Jessie Wolfington; to the Committee on Claims.

By Mr. HENDRICKS:

H. R. 5373. A bill for the relief of the estate of Mrs. Elizabeth Campbell; to the Committee on Claims.

By Mr. MARCANTONIO:

H. R. 5374. A bill for the relief of John Camara; to the Committee on Immigration and Naturalization.

H. R. 5375. A bill for the relief of Francis Sopko; to the Committee on Immigration and Naturalization.

By Mr. ROWAN:

H. R. 5376. A bill to amend the act entitled "An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever," approved February 28, 1929, by including therein the name of Gustaf E. Lambert; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1519. By Mr. BRYSON: Petition of the Legislature of the State of South Carolina, requesting the Congress of the United States to pass necessary amendments to the GI bill of rights whereby veterans in accredited schools shall receive monthly benefits for each calendar month until their graduation or severance from said school; to the Committee on World War Veterans' Legislation.

1520. By Mr. EBERHARTER: Petition of 1,000 citizens of western Pennsylvania, on antilabor legislation; to the Committee on Labor.

1521. By Mr. SHORT: Petition of Mrs. George W. Rollins, and others of Douglas County, Mo., urging a favorable vote on the Bryson bill, H. R. 2082; to the Committee on the Judiciary.

SENATE

TUESDAY, FEBRUARY 5, 1946

(Legislative day of Friday, January 18, 1946)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Most merciful God, whose throne standest steadfast and sure, even as on this our spinning habitation in the vastness men's hearts fail for fear, into Thy hands of love we commit ourselves and our troubled world. In this great day of our opportunity, Thou hast set us tasks which test all our courage, trust, and fidelity. May we be strong to do the things which need to be done and to put aside the things which are unworthy or belittling or base. Grant us vision to follow in faith Thy ways of love and truth until our lives become Thy revelation and Thy spirit touches into the beauty of holiness our thoughts and deeds. We ask it through riches of grace in Christ Jesus our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The Chief Clerk read the following letter:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., February 5, 1946.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JOHN H. BANKHEAD, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

KENNETH MCKELLAR,
President pro tempore.

Mr. BANKHEAD thereupon took the chair as Acting President pro tempore.

ATTENDANCE OF A SENATOR

EDWARD P. CARVILLE, a Senator from the State of Nevada, appeared in his seat today.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 102. An act to amend section 2 (b) of the act entitled "An act extending the classified executive civil service of the United States," approved November 26, 1940, so as to provide for counting military service of certain employees of the legislative branch in determining the eligibility of such employees for civil-service status under such act;

S. 765. An act concerning the establishment of meteorological observation stations in the Arctic region of the Western Hemisphere, for the purpose of improving the weather-forecasting service within the United States and on the civil international air transport routes from the United States;

S. 1467. An act to provide for adjustment between the proper appropriations of unpaid balances in the pay accounts of naval personnel on the last day of each fiscal year, and for other purposes;

S. 1545. An act to amend article 38 of the Articles for the Government of the Navy; and

S. 1631. An act to provide for the payment on a commuted basis of the costs of transportation of dependents of certain persons entitled to such transportation, and for other purposes.

The message also announced that the House had passed the bill (S. 50) to permit settlement of accounts of deceased officers and enlisted men of the Navy, Marine Corps, and Coast Guard, and of deceased commissioned officers of the Public Health Service, without administration of estates, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 1519. An act relating to marine insurance in the case of certain employees of the War Department who suffered death, injury, or other casualty prior to April 23, 1943, as a result of marine risks;

H. R. 2764. An act to amend section 409 of the Interstate Commerce Act with respect to the utilization by freight forwarders of the services of common carriers by motor vehicle;

H. R. 4605. An act to amend the Nationality Act of 1940, to preserve the nationality of naturalized veterans, their wives, minor children, and dependent parents;

H. R. 4896. An act to provide for payment of travel allowances and transportation and for transportation of dependents of members of the naval forces, and for other purposes; and

H. J. Res. 301. Joint resolution to amend Public Law 30 of the Seventy-ninth Congress, and for other purposes.

TRANSACTION OF ROUTINE BUSINESS

Mr. EASTLAND obtained the floor.

The ACTING PRESIDENT pro tempore. Before the Senator proceeds, the Chair would like to lay before the Senate certain reports, and so forth, for appropriate reference, and there is other routine business which, if there is no objection, might be transacted at this time.

By unanimous consent, the following routine business was transacted:

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

SPECIAL ASSISTANTS, DEPARTMENT OF JUSTICE

A letter from the Attorney General, transmitting, pursuant to law, a report showing the special assistants employed during the period from July 1 to December 31, 1945, under the appropriation "Compensation of special attorneys, etc., Department of Justice" (with an accompanying report); to the Committee on the Judiciary.

AMENDMENT OF ORGANIC ACT OF THE UNITED STATES GEOLOGICAL SURVEY

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to reenact and amend the Organic Act of the United States Geological Survey by incorporating therein substantive provisions confirming the exercise of long-continued